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NOTIFICATION

The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on 9th day of March, 2005 is hereby published for general information:-

THE SIKKIM STATE AGRICULTURAL PRODUCE MARKETING (DEVELOPMENT AND REGULATION) ACT, 2005

ACT NO. 7 OF 2005

AN

ACT

to provide for improved regulation in marketing of agricultural produce, development of efficient marketing system, promotion of agri-processing and agricultural export and the establishment and proper administration of markets for agricultural produce in the State of Sikkim and whereas, it is expedient to put in place an effective infrastructure for marketing of agricultural produce and lay down procedures and systems thereto,

Be it enacted by the Sikkim State Legislature in the Fifty-sixth Year of the Republic of India as follows:-

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CHAPTER I

Preliminary

Short title extent and commencement

1 (1) This Act may be called "The Sikkim State Agricultural Produce Marketing (Development and Regulation) Act, 2005

(2) It extends to the whole of State of Sikkim.

(3) It shall come into force on the date of their publication in the official Gazette. appoint.

Definition

2. In this Act, unless the context otherwise requires.-

(1) "Agricultural Produce" means all produce and Commodities, whether processed or unprocessed, of agriculture, horticulture, apiculture, sericulture, livestock and products of livestock, fleeces (raw wool) and skins of animals, forest produce etc. as are specified in the schedule or declared by the Government by notification from time to time and also includes a mixture of two or more than two such products.

(2) "Agriculturist" means a person who is a resident of the notified area of the market and who is engaged in production of agricultural produce by himself or by hired labour or otherwise, but does not include any market functionary.

If a question arises whether any person is an agriculturist or not for the purpose of this Act, the decision of the Collector of the District in which such person is engaged in the production or growth of agricultural produce shall be final.

(3) "Bill" means bill issued by the traders as prescribed.

(4) "Board" means the State Agricultural Marketing Board, established under Section 60 of this Act.

(5) "Business" means purchase-sale, processing, value addition, storage, transportation and connected activities of agricultural produce.

(6) "Buyer" means a person, a firm, a company or cooperative society or Government Agency, Public Undertaking/ Public Agency or Corporation, Commission agent, who himself or on behalf of any other person or agent buys or agrees to buy agricultural produce in the market area as notified under this Act.

(7) "Bye-laws" means the bye-laws made by the Market Committee under this Act.

(8) "Chief Executive Officer" means the Chief Executive Officer of a Market Committee appointed under Section 36.

(9) "Collector" means the Collector of the district or any officer empowered to discharge the duties of the Collector under the provisions of this Act.

(10) "Commission Agent" means a person who on behalf of his principal trader and in consideration of a commission or percentage on the amount involved in such transaction buys agricultural produce and makes payment, keeps it in his custody and delivers it to the principal trader in due course or who receives and takes in his custody agricultural produce sent for sale within the market area or from outside the market area, sells the same in the market area and collects payment thereof from the buyer and remits the sale proceeds to his principal trader.

(11) " Contract Farming" means farming by a person called "Contract Farming Producer" under a written agreement with another person called "Contract Farming Sponsor" to the effect that his farm produce shall be purchased as specified in the agreement.

Explanation: ' Contract Farming Producer' means individual agriculturist or association of agriculturists by whatever name called registered under any law for the time being in force. In North Eastern States where the ownership or control over the agricultural lands lies with village panchayats or similar bodies legally recognized, such body will be treated as 'Contract Farming Producer'.

(12) "Contract Farming Agreement" means the agreement made for contract farming between Contract Farming Sponsor and Contract Farming Producer.
(13) "Director" means the person appointed, by the State Government by notification, as Director of Agricultural Marketing and includes any officer or officers empowered by the State Government by notification, to exercise or perform such of the powers or functions of the Director under the provisions of this Act or the Rules or the Bye-laws made there under as may be specified in such notification.
(14) "Export" means dispatch of agricultural produce outside India.
(15) "Exporter" means such person/firm who exports agricultural produce.
(16) "e-trading" means trading in which billing, booking, contracting, negotiating information exchange, record keeping and other connected activities are done electronically on computer network/internet.
(17) "Hamal" means a laborer, hamal or coolie engaged for Dara-making, loading, unloading, filling, stitching, emptying or carrying any agricultural produce in the notified market area.
(18) "Import" means bringing agricultural produce from outside India.
(19) "Importers" means such person/firm who imports agricultural produce from outside India.
(20) "License" means - license granted under this Act.
(21) "Licensee" means a person or association, firm, company, public sector undertaking or society holding a license issued under this Act.
(22) "Local authority" means for the purpose of representation on the Market Committee in relation to an area within the local units of (i) in any Municipal area, the Municipal Corporation, the Municipal Council, the Cantonment Board, the Sanitary Board, the Town Board, Town Improvement Trust or the notified committee or Local authority for the area; (ii) In any rural area, the Zila Parishad, the Village Panchayat, or Panchayat Samiti, Taluka Panchayat or the Nagar Panchayat, or Gaon/Gram Panchayat, Mokhum - Parishad or any other named constituted under the Panchayat Act of respective state.
(23) "Managing Director" means the managing director of The State Agricultural Marketing Board appointed under this Act.
(24) "Market" means a market established under Section 4 which includes market area, market yard/sub yards and Market Committee.
(25) "Market Area" means area notified under Section 4 of this Act.
(26) "Market Charges" includes charges on account of or in respect of commission, brokerage, weighing, measuring, hammali (loading, unloading, and carrying), cleaning, drying, sieving, stitching, stacking, hiring, gunny bags, stamping, bagging, storing, warehousing, grading, surveying, transporting and processing.
(27) "Market Committee" means the agricultural produce Market Committee established under this Act.
(28) "Market Functionary" means a trader, a commission agent, buyer. Hamal, Processor. a stockiest, a trader and such other person as may be declared under the rules or Bye-laws to be a market functionary.
(29) "Market Yard" in relation to a market area means a specified place and includes any enclosures, buildings or locality declared as such in any market area by the State Government or the Director or the Managing Director by notification.
(30) "Marketing" means all activities involved in the flow of Agricultural produce from the production points commencing from the stage of harvest till these reach the ultimate consumers viz. grading, processing, storage, transport, channels of distribution and all other- functions involved in the process.
(31) "Notified Agricultural Produce" means any agricultural produce notified under Section 4 of this Act.
(32) "Other Backward Classes" means the other backward classes of Citizens as specified by the State Government from time to time.
(33) "Prescribed" means prescribed by rules made under this Act.

(34) "Private Market Yard" means such place other than the market yard/sub market yard in the market area where infrastructure has been developed and managed by a person for marketing of notified agricultural produce holding a license for this purpose under this Act.

(35) "Processing" means any one or more of a series of treatments relating to powdering, crushing, decorticating, desusking, parboiling, polishing, grinding, pressing, and curing or any other manual, mechanical, chemical or physical treatment to which raw agricultural produce or its product is subjected to.

(36) "Processor" means a person who undertakes processing of any, notified agricultural produce on his own accord or on payment of a charge.

(37) "Registration" means registration done under this Act.

(38) "Regulation" means regulation made by the Board/Director, in accordanc[illegible] the provisions of this Act.

(39) "Retail Sale" in relation to a notified agricultural produce means a sale not exceeding such quantity as the Market Committee may by bye-laws, determine to be a retail sale in respect thereof.

(40) "Rules" means rules made under this Act by the State Government.

(41) "Scheduled Castes" and "Scheduled Tribes" shall carry the same meaning as assigned to them under clause (24) and (2) respectively of Article 366 of the Constitution of India.

(42) "Seller" means a person who sells or agrees to sell any agricultural produce.

(43) "Special Market" means a market notified as such and includes special commodity market.

(44) "Sub-Market yard" in relation to a market area means a specified place other than Market Yard and includes ' any enclosure, building or locality, declared as such in any market area by the State Government or the Director /Managing Director by notification.

(45) "Trader" means a person who in his normal course of business buys or sells any notified agricultural produce, and includes a person engaged in processing of agricultural produce, but does not include an agriculturist.

(46) "Transportation" means taking agricultural produce by truck or other vehicle in course of business for marketing from one place to another.

(47) "Transporter" means a person who transports agricultural produce.

(48) "Value addition" means processing, grading, packing or other activities due to which value is added to agricultural produce.

(49) "Year" means the year as may be notified by the Government from time to time.

(50) "Schedule" means Schedule prepared by under the Act.

(51) "Market Committee Fund" means any money received by the Market Committee by way of arbitration fee or security deposit and other fund prescribed in the rules and bye-laws.

CHAPTER II

Establishment of Markets

Notification of Intention of developing and regulating marketing of Notified Agricultural produce in specified area

3. 1. Upon a representation made by any person Local authority or by the growers of any agricultural produce within the area for which a market is proposed to be established or otherwise, the State Government or the Director or the Managing Director may, by notification and in such other manner as may be prescribed, declare its intention of developing and regulating the marketing of such agricultural produce and in such area as may be specified in the notification.

2. A notification under sub-section (1) of Section 3 shall state that any objection or suggestion which may be received by the State Government or the Director or the Managing Director within a period of not less than thirty days, to be specified in the notification shall be considered by the State Government. /Director Managing Director.

Declaration of market area and development and regulation of marketing of specified agricultural produce therein

4. After the expiry of the period specified in the notification issued under section 3 and after considering such objections and suggestions as may be received before such expiry and making such inquiry, if any, as may be necessary, the State Government or the Director/Managing Director may, by notification, declare the area specified in the notification issued under Section 3 or any portion thereof to be market area for the purpose of this Act and that marketing of all or any of the kinds of agricultural produce specified in the notification issued under section 3 shall be developed and regulated under this Act in such market area.

Market Yards, Sub-Market Yards, Farmers/ Consumer/ Farmers market and Private Market

5. (1) In every market area, there may be-
(i) market yard managed by the Market Committee,
(ii) One or more than one sub market yards managed by the Market Committee,
(iii) One or more than one private market yards/ Market. Private markets managed by a person other than a Market Committee,
(iv) One or more than one farmers/ consumer markets managed by a person other than a Market Committee.

(2) The State Government shall, as soon as may be, after the issue of notification under Section 4, by notification, declare any specified place including any structure, enclosure, open place, or locality in the market area to be a market yard or sub-market yard, as the case may be and

Notification of intention to alter limits of or to amalgamate or to split up market area to di-established a market

6. (1) The State Government may, by notification,signify its intention :-
(i) to alter the limits of a market area by including within it any other area in the vicinity thereof or by excluding thereof any area comprised therein; or
(ii) To amalgamate two or more market areas and constitute one Market Committee thereof; or
(iii) To split up a market area and to constitute two or more Market Committees thereof; or
(iv) To de-establish a market;
(v) To modify the list of agricultural produce to be regulated in the market.

(2) Every notification issued under sub-section(1)of Section 6 shall define the limits of the area which is intended to be included in or excluded from a market area, or of the market area intended to be amalgamated into one , or of the area of each of the markets intended to be constituted after splitting up an existing market area or of the area of the market intended to be de-establish, as the case may be, and shall also specify the period which shall not be less than six weeks within which objections, if any, shall be received by the State Government.

Procedure subsequent to notification under Section 6

7 (1) Any inhabitant of the market area or of the areas affected by the notification issued under sub-section (1) of Section 6 may, if he objects to anything contained therein, submit his objections in writing to the State Government within the period specified for this purpose.
(2) When the period specified in the said notification has expired and the State Government has considered and passed orders on such objection as may have been submitted to it within the said period, the State Government may, by notification.-
(a) Include the area or any part thereof in the market area or exclude it there from;
(b) constitute a new Market Committee for the market area amalgamated; or
(c) Split up an existing market area and constitute two or more Market Committees for such areas, as the case may be; or
(d) De-establish the market;
(e) Publish modified list of agricultural produce to be regulated in the market.

Effect of alteration of limits

8. (1) Where a notification under Section 6 has been issued excluding any area from the market area and including any such area in any other market area, the State Government shall after consulting the Market Committee involved frame a scheme to determine what portion of the assets and other properties vested in one Market Committee shall vest in the other Market Committee and in what manner the liabilities of the Market Committees shall be apportioned between the two Market Committees and such scheme shall come into force on the date of publication in the Gazette.

Power of State Government to issue consequential order with respect to constitutions, etc. of market commkittees on alteration of limits, amalgamation or splitting up

9 (1) Where a notification under Section 6 has been issued the State Government may pass such consequential orders as it may deem fit in respect of:-

(a) Where a notification is issued under sub-section (2) of Section 7 excluding area from any market area and such excluded area is not declared to be separate market area or a notification is issued under sub-section (2), including any area within the market area, the Market Committee constituted for such market area before the date of such exclusion or inclusion shall notwithstanding anything contained in this Act, continue to be the Market Committee for the said market area until the reconstitution of such Market Committee under this Act.

(b) In the event of amalgamation of dissolved Market Committee, the committee-in-charge shall consist of the following members. Namely:-

i) A Chairman to be nominated by the State Government/ Director/ Managing Director;
ii) Ten representatives of Agriculturists to be nominated by the State Government/ Director/ Managing Director;
iii) One representative of Traders to be nominated by the State Government/ Director/ Managing Director;
iv) One representative of the Cooperative Marketing Society functioning in the market area to be nominated by the State Government/ Managing Director/ Director;
v) An Officer of Agriculture/ Cooperation Department working in the district to be nominated on the recommendation of the Collector/ Director);
vi) One member of the Weigh men and Hammals operating in the market area holding license from the Market Committee to be nominated by the registered union of Hamal & Weigh men;
vii) One representative of the Local authority of the headquarter of the committee (Chairman of Nagarpalika/ Mahanagarpalika, Panchayat Samiti or Zilla Parishad as the case may be);

(c) Where in case of split up of a Market Committee each committee-in-charge consisting of a Chairman, Ten representatives of Agriculturists and a representative of Traders shall be constituted:

Provided that-

i) Chairman of the dissolved Market Committee shall be nominated Chairman of the newly established Market Committee of which he is a voter and for the other Market Committee. The State Government shall nominate a Chairman who possesses the qualifications prescribed in sub-section (I) of Section 15;
ii) Representative of agriculturists of dissolved Market Committee shall also be nominated as member of newly established Market Committee of which he is voter and remaining representatives of the agriculturists shall be nominated by the State Government who possesses the qualifications prescribed in sub-sections (1), (2) and (3) of Section 14C;
iii) Representative of traders of the dissolved Market Committee shall be nominated as a member of the newly established Market Committee of which he is a voter

and for the other Market Committee, the State Government shall nominate such licensee trader as representative of traders who possesses the qualifications prescribed in clause (c) of sub-section (1) of Section 14C;

iv) One representative of the Cooperative marketing society functioning in the market area to be nominated by the State Government / Managing Director / Director (who shall be elected by the managing committee of such society);

v) An officer of the Food Security & Agriculture Development / Horticulture & Cash Crop Development Department working in the district to be nominated on the recommendation of the Collector/ Director;

vi) One member of the Weigh men and Hammals operating to be nominated by the registered union of Hamal & Weigh men;

vii) One representative of the Local authority of the places where the Market Committee is located (Chairman of Nagarpalika/ Mahanagarpalika. Panchayat Samiti or Zilla Parishad as the case may be);

viii) The committee-in-charge constituted under sub-section (1) shall subject to the control of the Director/ Managing Director, exercise all the powers and perform all the duties of the Market Committee under this Act.

(2) The provisions of constitution of a sub-section (1) as they apply to the constitution of a Market Committee first time under Section 14 shall apply to the Market Committee under sub-section (4) for a market established for the first time.

CHAPTER III
Constitution of Market Committee

Establishment of Market committee and its incorporation

10. (1) For every market area, there shall be a Market Committee having jurisdiction over the entire market area.

(2) Every Market Committee shall be a body Corporate Committee and by such name as the State Government or the Director may, by notification, specify. It shall have perpetual succession and a common seal and may sue and be sued in its corporate name and shall subject to such restrictions as are imposed by or under this Act, be competent to conduct and to acquire, hold, lease, sell or otherwise transfer any property and to do all other things necessary for the purpose for which it is established:

Provided that no immovable property shall be acquired or transferred by way of sale, lease or otherwise without the prior permission of the Director/ Managing Director.

(3) Notwithstanding anything contained in any enactment for the time being in force, every Market Committee shall for all purposes, be deemed to be a Local authority.

Vesting of property of Local Authority in Market Committee

11 (1) The Market Committee may require a Local authority to transfer to it any land or building belonging to the Local authority which is situated within the market area and which, immediately before the establishment of the market was being used by the Local authority for the purposes of the market and the Local authority shall within one month of the receipt of the requisition, transfer the land and or building, as the case may be, to the Market Committee on such terms as may be agreed between them.

(2) Where within a period of thirty days from the date of receipt of requisition by the Local authority under sub- section (1) no agreement is reached between the Local authority and the Market Committee under the said sub-section, the land or building required by the Market Committee shall vest in the Market Committee for the purposes of this Act and the Local authority shall be paid such compensation as may be determined by the Collector under sub- section (5).

Provided that no compensation shall be payable to a Local authority in respect of any land or building this had been vested in it by virtue of the incurred by the State Government in connection with the acquisition, the land shall vest in the board or the Market Committee, as the case may be:

Provided that once a proposal is made by the Market Committee, it shall not be withdrawn by it except for such reasons as may be approved by the State Government.

(12) The Board or the Market Committee shall not without the previous sanction of the State Government transfer any land which has been acquired for this purpose by the Board or the Market Committee under sub-section (1) or divert such land to a purpose other than the purpose for which it has been acquired:

Provided that the premises used for market yard, sub market yard or for the purpose of the Board shall not be deemed to be included in the limits of the Municipal Corporation. Municipal Council Notified Area, Gram Panchayat or a Special Area Development Authority, as the case may be.

Appointment of Office-in-Charge of Market committee pending constitution of first Market Committee

13. (1) When a Market Committee is established for the first time under this Act, the State Government or the Director or Managing Director shall by an order appoint;

A person to be the officer-in-charge for a period not exceeding two years, or a committee-in-charge for a period not exceeding two years. The members of the Market Committee may be appointed from among persons representing the same interests and in the same proportion as specified in Section 14. The Officer-in-Charge or the Committee-in-charge shall subject to the control of the Director/ Managing Director, exercise all the powers and perform all the duties of the Market Committee under this Act:

Provided that the State Government or the Director may at any time during the period aforesaid appoint committee-in-charge in place of Officer-in-Charge and officer-in-charge in place of Committee-in-charge as the case may be, so appointed shall hold office or shall function for the remainder of the period available to its predecessor:

Provided that in the event of death, resignation, leave or suspension of the Officer-in-charge, a casual vacancy shall be deemed to have occurred in such office and such vacancy shall be filled, as soon as may be, by appointment of a person thereto by the State Government or the Director / Managing Director and until such appointment is made, a person nominated by Director/Managing Director shall Act as Officer-in- charge:

Provided that if the Market Committee is constituted before the expiry of the period aforesaid the officer- in-charge shall cease to hold office or the committee-in-charge shall cease to function on the date appointed for the first general meeting of the newly constituted Market Committee.

(2) In the event of a vacancy occurring on account of death, resignation or otherwise of the members of the Market Committee-In-charge, the vacancy shall be filled in by fresh appointment by the State Government or the Director or the Managing Director.

(3) Any officer-in-charge or any or all persons appointed as the committee-in-charge under clause (a) of sub-section (1) may at any time be removed by the Director/ Managing Director who shall have power to appoint another person or persons, as the case may be, in his or their place or places.

(4) Every person appointed officer-in-charge under sub-section (1) shall receive from the Market Committee fund for his services such honorarium and allowances as may be fixed by the Director/Managing Director and every member of the committee-in-charge shall be entitled to receive from the Market Committee

fund. Allowances at such rate at which allowances are payable to members of the Market Committee.

Constitution of Market Committee

14. (1) Every Market Committee shall consist of the following members, namely
(i) Five members shall be agriculturists possessing such qualifications as may be prescribed to be elected by the Managing Committee members of the primary agricultural cooperative societies functioning in the market area and by the Sarapanch and members of the Village Panchayat of which two shall be elected from amongst the committee members of Primary Agricultural Societies:

Provided further out of 5 representatives of agriculturist at least one shall belong to each of the following sections of the society -

1. Scheduled Caste/Tribe (one member)
2. Other Backward Class (one member)
3. Most Backward Class (one member) (Women):

Provided further that no agriculturist will be eligible to be elected as representative of agriculturists unless he has sold agricultural produce in the market in proceeding two successive years:

Provided further if the committee is established first time, then no agriculturist will qualify to be elected as a representative of agriculturist unless he has sold agricultural produce in the market during the last six months;

(ii) Two members shall be licensed traders elected amongst them in the manner prescribed;

(iii) One member shall be a representative of the Co-operative Marketing Society/, which has the headquarters within market area:

Provided further if there is more than one such society the representative will be elected as prescribed;

(iv) Two members shall be the Government nominees out of whom one member shall be the representative of the State Department of Food Security and Agriculture Development / Horticulture & Cash Crop Development /and District Collector Office each;

(v) One representative of Local authority (Chairman of Nagarpalika from Municipalities, or Municipal Corporation Mahanagarpalika, Panchayat Samiti or Zilla Parishad as the case may be).

(2) A member elected under clauses (i), (ii), (iii) and (vi) of sub-section (1) shall cease to hold office as such member if he ceases to be a member of the electorate by which he was elected.

(3) The State Government may make rules to.provide for the election of the members of the Market Committee, the authority which shall conduct election, determination of constituencies, the preparation and maintenance of the list of voters,disqualifications for being chosen as and for being, a member the right to vote, the payment of deposit and its forfeiture, election offences, the determination of election disputes and all matters ancillary thereto.

(4) On the failure of the electorate mentioned in clause (i) and (ii) of sub-section (1) to elect a member or members referred to in the said clause after the proceedings have been started in accordance with the provisions of this Act or the rules made there under, the State Government shall nominate on behalf of the electorate concerned a person or persons qualified to be a member as member or members of the Market Committee.

(5) Members of every Market Committee shall hold office for a period of five years from the date of the first general meeting of the Market Committee.

(6) If within the period mentioned in sub-section (5) the Market Committee is not newly constituted, the Market Committee shall on the expiry of such period, be deemed to have been dissolved.

(7) An elected member of the Market Committee may resign his office at any time by a letter in writing addressed to the Director/Managing Director to that effect and his office shall become vacant on expiry of fifteen days from the date of

such resignation unless within the said period of fifteen days he withdraws the resignation by another letter in writing addressed to the Director/ Managing Director.

(8) In the event of the death, resignation or removal of a member before the expiry of his term of office, a casual vacancy shall be deemed to have occurred in office and such vacancy shall be filled as soon as may be by the election or nomination, as the case may be, of a person thereto as member, who shall take office forthwith and shall hold such office for the unexpired term of his predecessor; provided that no casual vacant shall be filled which occurs within a period of four months preceding the date on which his term expires.

(9) The Chairman and other members of the Market Committee shall be paid from. the Market Committee funds such honorarium. sitting fees, traveling allowances and other allowances as may be fixed by the Director/ Managing Director from time to time.

OR (Choose 14 or set of 14A, 14B, 14C, 14D)

Constitution of Market Committee

14.A (1) A Market Committee shall consist of-

(a) the Chairman elected under Section 17;

(b) Ten representatives of agriculturists possessing such qualifications as may be prescribed chosen by direct election from the constituencies of a market area in accordance with the provisions of this Act and the rules made there under:

Provided further that no agriculturist may be qualified to be elected as representatives of agriculturist unless he has sold agricultural produce in the market successively for last two years:

Provided further if the committee is established first time, then no agriculturist will qualify to be elected as a representative of agriculturist unless he has sold agricultural produce in the market during the last six months.

(c) One representative of traders possessing such qualifications as may be prescribed, elected by and from amongst the persons holding registration from the Market Committee for a period of two successive years as traders or owners or occupiers of processing factories under this Acts:

Provided that in the case of Market Committee established for the first time under Section 13, the qualifying period of holding license from such Market Committee shall be six months:

Provided further if total number of registered traders for a period of their successive years is more than 100 then there will be two representatives:

Provided also that no person shall be a voter of more than one Market Committee at a time:

Provided also that no person shall be a voter unless.-

i) he has completed the age of 18 year;

(ii) he is not a defaulter of the Market Committee.

(2) Every committee will have following committee members-

(a) One representative of the Cooperative Marketing Society functioning in the market area who shall be elected by the managing committee of such society:

Provided that if more than one such society functions in the market area. such member shall be elected by all the members of the managing. Committees of such societies:

Provided further that nothing in this clause shall apply if the managing committee of any society stands superseded under the provisions of the State Co-operative Societies Act;

(b) An Officer of the Food Security Agriculture Development Department of the State Government to be nominated by the Collector/ Director;

(c) One representative of the Weigh men and hammals operating in the marketing area holding license from the Market Committee to be nominated by the Chairman of the Market Committee ;

(d) One representative of the Gram Panchayat or Zilla Panchayat that falls within the jurisdiction of the market area nominated by the Chairperson of the Zilla Panchayat:

Provided that in the Market Committee situated at the District headquarters the representative shall be nominated from amongst the members of the Zilla Panchayat only.

(3) Only members under sub-section (1) shall have a right to vote.

(4) The State Government may make rules for the preparation of voters' list and conduct of election.

(5) If the electorate under clause (b) or (c) of subsection (1) fails to elect a representative, the Collector shall nominate the representative of the agriculturists or traders, as the case may be.

(6) Every election and nomination of the member shall be notified by the Collector in the Official Gazette.

Division of Market Area for constituencies and reservation of seats

14B.(1) The Collector shall by notification divide a market area into as many numbers of constituency's equal 32 to the number of the representatives of the agriculturists to be chosen from that area.

(2) Seats shall be reserved for Scheduled Castes and Scheduled Tribes in every Market Committee and the number of seats so reserved shall bear as nearly as may be the same proportion no the total number of seats to be filled in that Market Committee as the population of Scheduled Castes or Scheduled Tribes in that Market area bears to the total population of that area and such seats shall be allotted to the constituencies in the prescribed manner.

(3) Where the total number of seats belonging to Scheduled Castes and Scheduled Tribes in a market area is fifty percent or less than fifty percent, twenty five percent of total number of seats shall be reserved for Other Backward Classes.

(4) Not less than one third of the total number of seats reserved under sub-sections (2) and (3) shall be reserved for women belonging to Scheduled Castes or Scheduled Tribes or Other Backward Classes, as the case may be.

(5) Not less than one third (including the number of seats reserved for women belonging to Scheduled Castes, Scheduled Tribes and Other backward Classes of the total number of seats shall be reserved for women and such seats shall be allotted by the Collector to different constituencies in the prescribed manner. (if the election is indirect, this will not apply).

Qualification to vote and to be representative of Agriculture

14C(1) Every person .-

(a) whose name is entered as Land owner in the village land records;

(b) who ordinarily resides in the market area;

(c) who has completed the age of 18 years; and

(d) whose name is included in the voter's list prepared under the provisions of this Act and the Rules made there under: shall be qualified to vote at the election of a representative of agriculturists:

Provided that no person shall be eligible to vote in more than one constituency.

(2) No person shall be qualified to be elected as a representative of agriculturists unless-

(a) his name is included in the list of voters as agriculturist of the market area;

(b) he is an agriculturist;

(c) he is otherwise not disqualified for being so elected.

(3) No person shall be eligible for election from more than one Market Committee or constituency as the case may be.

First meeting, terms of officer, resignation by Chairman, vice-Chairman or Member and vacancy in their office

14D. (1) The first meeting of the Market Committee shall be convened by the Collector within one month from the date of publication of result of election of and members in the official gazette.

(2) The Chairman, Vice Chairman and members of the Market Committee shall hold office for a period of their five years from the date of the first meeting of Market Committee provided that if on the expiry of the term of the Market Committee, a new Market Committee is not constituted the Market Committee shall be deemed to have been dissolved and in such an event the provisions of Section 13 shall apply.

(3) The Chairman, Vice Chairman or a member may resign his office at any time in writing addressed to the Collector and such resignation shall be effective from the date of its acceptance by the Collector.

(4) Any person who is elected as a Chairperson or Vice Chairperson of a Municipal Corporation, Municipal Council, Nagar Panchayat, Panchayat or Cooperative Society is elected as Chairperson or Vice Chairperson of the Market Committee or vice versa may, by notice in writing signed by him and delivered to the Collector prescribed authority within thirty days from the date. or the later of the dates, on which he is elected, intimate in which of the office he wishes to serve, and thereupon, his seats in the body in which he does not wish to serve, shall become vacant and in default of such intimation within the aforesaid period, his seat in the Market Committee shall, on the expiration of that period, become vacant.

(5) In the event of death, resignation, or removal of the Chairman. Vice Chairman or a Member before the expiry of his term or on the occurrence of a vacancy under sub-section (4), or otherwise, a casual vacancy shall be deemed to have occurred in such office and such vacancy shall be filled within six months by election in accordance with the provisions of the Act and the Rules and a person so elected or nominated shall hold office for the unexpired portion of the term of his predecessor:

Provided that if the remaining term of the office is less than six months, such vacancies shall not be filled in.

(6) In the event of occurrence of any vacancy in the office of the Chairman by reason of his death, resignation or removal or otherwise the Vice Chairman and if the office of the Vice Chairman is also vacant then notwithstanding anything contained in this Act, such a member of the Market Committee who is elected under clause (I) of sub-section (1), of Section 14, as the Collector may appoint shall exercise powers and perform the functions of the Chairman till the Chairman is duly elected.

Chairman and Vice-Chairman of Market Committee

15. (1) Every Market Committee shall have a Chairman and Vice-chairman a Vice-Chairman. The Chairman and Vice-Chairman of Market shall be elected by the elected members of the Committee Market Committee from amongst those who are representatives of agriculturists.

(2) After every general election, the Market Committee shall elect the Chairman and Vice-Chairman at its first general meeting, which shall be convened by the Director/Managing ,Director/Collector within one month of the general election.

The Chairman and Vice-Chairman so elected shall hold office for the full term from the date on which they enter upon their respective offices.

(3) The Chairman and Vice-Chairman shall notwithstanding the expiry of their term of office, continue to hold office until their successors enter upon their office.

(4) The meeting convened for the election of the Chairman and Vice-Chairman shall be presided over by the Director/Managing Director or any officer authorized by him in this behalf. The Director/Managing Director or such officer, when presiding over the meeting, has the same powers as the Chairman when presiding over. a meeting of the Market Committee, but shall not have the right to vote.

(5) If in the election of a Chairman or Vice-Chairman there is an equality of vote. the result of the election shall be decided by lots to be drawn in the presence of the officer presiding in such manner as he may determine.

(6) In the event of dispute, arising as to the validity of the election of a Chairman or Vice-Chairman the Collector, if he is the presiding officer shall decide the dispute himself and in any other case officer presiding shall refer the dispute to the Collector for decision. The decision of the Collector shall subject to an appeal to the Commissioner shall be final and no suit or other proceedings shall lie in any Court of Law in respect of such decision.

OR

Election of Chairman and Vice-Chairman

15A.(1) The Chairman shall be chosen by direct election by the persons qualified to vote for the election of representatives of the agriculturists and traders in the prescribed manner:

Provided that no person shall be eligible for election as Chairman unless he is qualified to be elected under sub-sections (2) and (3) of Section 14C.

(2) The offices of the Chairman shall be reserved for the Scheduled Castes and Scheduled Tribes and the number of offices so reserved shall bear, as nearly as may be, the same proportion to the total number of such offices in the State as the population of the Scheduled Castes and Scheduled Tribes in the States bears to the total population of the State and these offices shall be allotted, by the Director/Managing Director to the Market Committee s in the prescribed manner.

(3) Twenty five percent of the total number of offices of Chairman shall be reserved for Other Backward Classes and such seats shall be allotted in the prescribed manner by the Director/Managing Director, to such Market Committees, which are not reserved for Scheduled Castes or Scheduled Tribes.

(4) Not less than one third of the total number of offices of Chairman reserved under sub-sections (2) and (3) shall be reserved for women belonging to Scheduled Castes or Scheduled Tribes or Other Backward Classes, as the case may be.

(5) Not less than one third (including the number of offices) reserved for women belonging to the Scheduled Castes and Scheduled Tribes and Other Backward Classes of the total number of offices of Chairman in the State shall be reserved for women and such offices shall be allotted by the Managing Director to different Market Committees in the prescribed Manner.

(6) No person shall be eligible to contest election simultaneously for office of the Chairman and member.

(7) If any market area fails to elect a Chairman fresh election proceedings shall be initiated to fill the office within six months:

Provided further that pending the election of Chairman under this sub-section the Vice-chairman shall discharge all the functions of the Chairman.

(8) There shall be a Vice-Chairman of the Market Committee who shall be elected by and from amongst the elected member thereof in the first meeting of the Market Committee convened under sub-section(1) of Section 14 in the prescribed manner:

Provided that if the Chairman of the Market Committee does not belong to Scheduled Castes, Scheduled Tribes or Other Backward Classes, the Vice Chairman shall be elected from amongst the elected members belonging to such castes, tribes or classes:

Provided further that no person shall be eligible for election as Vice-Chairman unless he is an agriculturist.

(9) Every election of Chairman and Vice-chairman shall be notified in the office Gazette by the Collector.

Resignation by Chairman and Vice-Chairman and vacancy in their office

16. (1) A member holding office of Chairman or Vice- Chairman may resign his office at any time in and Vice-writing addressed to the Collector/ Director and the Chairman office shall become vacant on the expiry of fifteen days and vacancy in clear days from the date of such resignation, unless their office within the said period of fifteen days he withdraws the resignation in writing addressed to the Collector/ Director.

(2) Every Chairman and Vice-Chairman shall vacate office if he ceases to be a member of the Market Committee.

(3) During the vacancy caused by death, resignation, removal or otherwise in the office of the Chairman, the Vice-Chairman and if the office of Vice Chairman is also vacant then notwithstanding anything contained in this Act, such member of the Market Committee as the Collector may appoint, shall exercise the powers and perform the functions of the Chairman till the Chairman is duly elected.

No confidence motion against Chairman and Vice-Chairman

17. (1) A motion of no confidence may be moved against the Chairman or the Vice-Chairman at a meeting specially convened for the purpose under sub-section (2) and if the motion is carried by a majority of not less than two-third of the members of the committee, cease to be the Chairman or Vice chairman as the case may be.

(2) For the purpose of sub-section (1) a meeting of the Market Committee shall be held in the prescribed manner within thirty days of the date of receipt of the notice of motion of no confidence.

(3) The Chairman or Vice-Chairman shall not preside over the meeting, but such meeting shall be presided over by an officer of the Government as the Collector/ Director/Managing Director may appoint for the purpose. However, the Chairman or Vice-Chairman as the case may be, shall have the right to speak and otherwise to take part in the proceedings of the meeting.

(4) If the motion of no confidence is not accorded as aforesaid or if the meeting could not be held for want of quorum, no notice of any subsequent motion expressing vote of confidence in the same Chairman or Vice-Chairman shall be made until after the expiry of six months from the date of such scheduled meeting.

Seizure and taking posession of record and property of Market Committee under certain conditions

18. (1) Where the Director/Managing Director is satisfied that the books and records of a Market Committee are likely to be suppressed, tampered with or destroyed, or the funds and property of a Market Committee are likely to be misappropriated or taking misapplied, the Director/ Managing Director may possession order for and property of Market

(2) On receipt of the Order under sub-section (I), the Committee police officer not below the rank of sub-Inspector of the local area shall enter and search any place where the records and property are kept or are likely to be kept and to seize them and hand over possession thereof to the Director/ Managing Director or the person authorized by him, as the case may be.

CHAPTER – IV
Classification of Market and Special Market

Classification of Market

19. State Government/ Director/ Managing Director may classify the market constituted under Section 4. in to various categories on the basis of the criteria as may be prescribed.

Special Market and Special Commodity Market

20 (1) State Government may by notification declare any market area as 'Special Market' or 'Special Commodity Market' after consideration of such aspects as turnover, serving large area and special infrastructure requirements of particular commodity, to be operated in addition to the existing market.

(2) Save as provided under sub-section (1) of Section 14,the State Government may by notification, establish separate Market Committee for effective implementation of provisions of this Act for such markets which are notified as special market under sub- section (1).

(3) All provisions for and in relation to the Market Committee made in the Act shall mutatis mutandis apply to the Market Committee established for the special market under sub- section (1).

Constitution of Market Committee for Special Market

21. (1) Save as provided under sub-section (1) of Section 14, every Market Committee shall consist of following members namely- for special

1. Agriculturists (to be nominated by the State Government market from amongst the agriculturists residing in the State).....5
2. Traders (to be nominated by the State Government from amongst the traders holding trading (incense in any Market Committees in the State). Out of the traders so nominated, at least two shall hold the license from the Market Committee of Special Market 4
3. Municipal Commissioner or his nominee of the area where the Special Market is located.....1
4. The Collector or his nominee of the District in which Special Market is located.....1
5. Chief Town Planner or the authority exercising such powers 1
6. Representative of the Registrar of Cooperative Societies 1
7. Director of marketing of the State or his nominee (Ex-Officio member).....1
8. Chief Executive Officer (or his nominee) of the State Agricultural Marketing Board (Ex-Officio Member).....1
9. Representative of other States where from arrivals are received by the special market (to be nominated by the respective State Government. on receipt of request for such nomination by the State Government where Special Market is located ..... 3 (preferably growers).
10. Executive Member (to be appointed by the State Government). Executive Member shall act as the Chief Executive Officer of the Market Committee.....1

11. Agricultural Marketing Advisor to the Government of India or his nominee..... 1

(2) The Market Committee shall meet at least once in six months.

Chairman and Vice-Chairman of Special Market

22. The Market Committee, for Special Market shall have Chairman and Vice-chairman who may be nominated by for Special the State Government for such period as may be specified market the members shall hold office during the pleasure of the State Government.

Executive Committee for Special Market

23. (1) There shall be Executive Committee of the Market Committee of the Special Market consisting of-

(i) One representative of the traders holding the trading license in the Market Committee of Special Market.
(ii) One representative of growers.
(iii) Representative of the Registrar of Cooperative Societies.
(iv) Director of Marketing or his nominee.
(v) Chief Executive Officer (or his nominee) of the State Agricultural Marketing Board.
(vi) Executive Member of the Market Committee who shall Act as the Member-Secretary of the Executive Committee.

(2) In case of emergency, the Executive Committee may decide issues requiring approval of the Market Committee.

However, such decisions shall have to be approved by the Market Committee within 45 days from the date, such decisions have been taken. Failure in so or in the event of disapproval of such decisions by the Market Committee, such decisions shall stand null and void.

(3) The Executive Committee will meet as often as necessary, but at least once in two months.

Chief Executive of the Market Committee of Special Market functions and powers.

24. Executive member of the Market Committee shall Act as the Chief Executive Officer of the Market Committee of the Special Market. The Chief Executive officer shall-

(i) Exercise supervision and control over the officers, and staff of the Market Committee in matter of executive administration concerning accounts and records and disposal of all questions relating to the services of the officers and staff of the Market Committee as per the prescribed procedure.
(ii) Appoint officers and staff of the Market Committee as per direction and procedure prescribed by the Market Committee.
(iii) Incur expenditure from the Market Committee fund for the sanctioned items of work.
(iv) In cases of emergency, direct the execution of stop- page of any work and doing of any Act which requires the sanction of the Market Committee.
(v) Launch prosecution for violation of provision of this Act and rules and by-laws made thereof.
(vi) Issue licenses to the functionaries operating in the market.
(vii) Prepare Annual budget of the Market Committee.
(viii) Arrange for summoning the meetings of the Market Committee and maintenance of records of the proceedings of such meetings.
(ix) Inspect from time to time the construction work undertaken by the Market Committee and send report of such inspection to the Chairman of the Market Committee.
(x) Report such acts of the Market Committee or members of the Market Committee including the Chairman and Vice-chairman which are contrary to the provisions of this Act and Rules and By-laws framed thereof to the Director of Marketing.

(xi) Take such steps as deemed necessary for effective discharge of the functions and decisions of the Market Committee .

CHAPTER V

Conduct of Business and Powers and Duties of Market Committee

Meeting etc. of Market Committee

25. (1) Subject to the provisions of this Act, the Market Committee shall conduct its business as may be prescribed.

(2) A Market Committee shall meet for the transaction of its business at least once in every month, provided that the Market Committee may in special circumstances meet at any time and at any place in the market area as may be prescribed.

(3) Chairman shall preside over meetings of Market Committee and if he is absent, the Vice-Chairman shall preside over meeting of the Market Committee and if at any meeting both the Chairman and the Vice-chairman are absent, such one of the members present in the meeting as may be chosen by the members present may Act as Chairman.

Power and duties of Market Committee

26. (1) It shall be the duty of the Market Committee-

(i) to implement the provisions of this Act. the rules and the bye-laws made there under in the market area;

(ii) to provide such facilities for marketing of agricultural produce therein as the Director/Managing Director Board or the State Government may from time to time direct;

(iii) to do such other acts as may be required in relation to the superintendence, direction and control of market or for regulating marketing of agricultural produce in any place in the market area, and for the purposes connected with the matters aforesaid, and for that purpose may exercise such powers and discharge such functions as may be provided by or under this Act;

(iv) and to do all such other acts to bring about complete transparency in pricing system and transactions taking place in market area.

(2) without prejudice to the generality of the forgoing provisions:-

(a) market Committee may-

(i) maintain and manage the market yards and sub-market yards within the market area;

(ii) provide the necessary facilities for the marketing of agricultural produce within the market yards and outside the market yards and within the sub-market yards and outside the sub-market yards in the market area;

(iii) register or refuse registration to market functionaries and renew, suspend or cancel such registration, supervise the conduct of the market functionaries and enforce conditions of registration;

(iv) regulate or supervise the auction of notified agricultural produce in accordance with the provision and procedure laid down under the rules made under this Act or bye-laws of the Market Committee ;

(v) conduct or supervise the auction of notified agricultural produce in accordance with the procedure laid down under the rules made under this Act or Bye-Laws of the Market Committee;

(vi) regulate the making, carrying out and enforcement or cancellation of agreements of sales, Weighmen, delivery, payment and all other matters relating to the market of notified agricultural produce in the manner prescribed;

(vii) provide for the settlement of all disputes between the seller and the buyer arising out on any kind of transaction connected with the marketing of notified agricultural produce and all matters ancillary thereto;

(viii) take all possible steps to prevent adulteration of notified agricultural produce;

(ix) make arrangements for employing by rotation, Weigh men and hammals for weighing and transporting of goods in respect of transactions held in the market yard/ sub yards;

(x) set up and promote public private partnership in management of the Agricultural Markets;

(xi) to promote public private partnership for carrying out extension activities in its area viz., collection, maintenance and dissemination of information in respect of production, sale storage, processing, prices and movement of notified agricultural produce;

(xii) take measures for the prevention of purchases and sales below the minimum support prices as fixed by the Government from time to time;

(xiii) levy, take, recover and receive rates, charges. fees and other sums of money to which the Market Committee is entitled;

(xiv) employ the necessary number of officers and servants for the efficient implementation of the provisions of this Act, the Rules and the Bye-Laws as prescribed;

(xv) regulate the entry of persons and vehicles, traffic into the market yard and sub-market yard vesting in the Market Committee;

(xvi) prosecute persons for violating the provisions of this Act, the Rules and the Bye-Laws and compound such offences;

(xvii) acquire land and dispose of any movable or immovable property for the purpose of efficiently carrying out its duties;

(xviii) impose penalties on persons who contravene the provisions of this Act, the rules or the bye-Laws or the orders or directions issued under this Act. The rules or the bye-laws by the Market Committee, its Chairman or by any officer duly authorized in this behalf;

(xix) institute or defend any suit, prosecution, action, proceeding, application or arbitration and compromise such suit, action proceeding, application or arbitration;

(xx) pay, pension, allowances, gratuities, contribution towards leave allowance, pensions or provident fund of the officers and servants employed by the Market Committee in the manner prescribed;

(xxi) administer Market Committee fund referred to in Section 58 and maintain the account thereof in the prescribed manner;

(xxii) keep a set of standard weights and measure in each principal market yard and sub-market yard against which Weigh men and measurement may be checked;

(xxiii) inspect and verify scales, weights and measures in use in a market area and also the books of accounts and other documents maintained by the market functionaries in such manner as may be prescribed;

(xxiv) arrange to obtain fitness (health) certificate from veterinary doctor in respect of animals, cattle birds etc., which are bougnt or sold in the market yards/market area;

(xxv) carry out publicity about the benefits of regulation, the system of transaction, facilities provided in the market yard etc. through such means as poster, pamphlets, hoardings, cinema slides, film shows, group meetings, electronic media etc., or through any other means considered more effective or necessary;

(xxvi) ensure payment in respect of transactions which take place in the market yard to be made on the same day to the seller, and in default to seize the agricultural produce in question along with other property of the person concerned and to arrange for re-sale thereof and in the event of loss, to recover the same from the original buyer together with charges for recovery of the losses, if any, from the original buyer and effect payment of the price of the agricultural produce to the seller;

(xxvii) recover the charges in respect of Weigh men and hammals and distribute the same to weigh men and hammals if not paid by the purchaser/seller as the case may be;

(xxviii) with the prior sanction of the State Government Director/Managing Director undertake the constructions of go downs, roads and such other infrastructure in the market yard/sub yard and market area as may be required to facilitate movement of agricultural produce to the market for benefit of producer sellers and traders operating in the market area;

(xxix) collect and maintain information in respect of production, sale, storage, processing, prices and movement of notified agricultural produce and disseminate such information as directed by the Director;

(xxx) with a view to maintain stability in the market-
(a) take suitable measures to ensure that traders do not buy agricultural produce beyond their capacity and avoid risk to the sellers in disposing of the produce; and (b) grant licenses only after obtaining necessary security in cash as bank guarantee according to the capacity of the buyers;

(xxxi) to promote and undertake agricultural processing including activity for value addition in agriculture produce.

(3) With the prior sanction of the Director/Managing Director, the Market Committee may undertake the following:-

(i) construction of roads, go downs and other infrastructurein the market area to facilitate marketing of agricultural produce and for the purpose give grant or advance funds to the Board, the Public Works Department or any other Department or undertaking of the State Government or any other agency authorized by the Director/ Managing Director;

(ii) maintain stocks of fertilizer, pesticides, improved seeds, agricultural equipments, inputs for safe;

(iii) to provide on rent storage facilities for stocking of agricultural produce to agriculturists;

(iv) to give grant for maintenance of the "Goshalas" recognized by the State Government.

(4) In addition to above the Market Committee shall also be responsible for -

(i) the maintenance of proper checks on all receipts and payment by its officers;

(ii) the proper execution of all works chargeable to the Market Committee fund;

(iii) keeping a copy of this Act and of the rules and notifications issued there under and of its bye-laws, open to inspection free of charge at its office; and

(iv) arranging for preventive measures against spread of contagious cattle disease.

(5) To promote and encourage e-trading, market committee may establish regulatory system, create infrastructure and undertake other activities and steps needed thereto.

Publishing and circulation arrival with rates

27. To publish and circulate from time to time the data of arrivals and rates of agricultural produces standard wise brought into the market area for sale as prescribed.

Appointment of Sub-committee and delegation of powers

28. Subject to such conditions and restrictions as may be prescribed, the Market Committee may appoint sub-committees consisting of one or more of its members for the performance of any of its duties or functions for reporting or giving opinion on any matter and may delegate to any such sub committee such of its powers as may be necessary.

Power to borrow

29. (1) A Market Committee may with the previous sanction of the Director/Managing Director, raise money or issue debentures required for carrying out the purpose for which it is established on the security of any property vested in it and of any fees livable by it under this Act.

(2) The Market Committee may, for the purpose of meeting the initial expenditure on lands, building, staff and equipments required for establishing the market, obtain a loan from the State Government or Marketing Board or other financial institution.

(3) The conditions subject to which money or loan under sub-section (2) shall be raised or obtained and the time within which the same shall be repayable shall be subject to the previous sanction of the State Government or the Director or the Managing Director.

Compounding of offences

30. (1) The Market Committee may accept from any person of who has committed or is reasonably suspected of having committed an offence other than contravention of Section 39 against this Act or the rules or bye-laws, made there under by way of compounding of such offence :-

(a) Where the offence consists of the failure to pay or the evasion of any fee, or other amount recoverable under this Act or the rules or the bye-laws in addition to the fee or other amount so recoverable a sum of money not less than the amount of the fee or other amount and not more than five times the amount of fee or other amount to the maximum extent of rupees five thousand, and

(b) In other cases a sum of money not exceeding five thousand rupees.

(2) On the compounding of any offence under sub- section (1) of Section 30, no proceeding shall be taken or continued against the person concerned in respect of such an offence, and if any proceedings in respect of that offence have already been instituted against him in any court, the compounding shall have effect of his acquittal.

31. A Market Committee may write off any fee or amount whatsoever due to it, whether under a contract or otherwise, or off any amount payable in addition therewith if in its opinion such a fee or an amount is irrecoverable:

Provided that the Market Committee shall, before writing off any such fee, or amount obtain the sanction of the' Director/ Managing Director, if the fee or amount exceeds Rupees fifty thousand.

32. (1) Any officer of the Market Committee the Board empowered by the State Government in this behalf shall have power to remove any market yard. encroachment in a space in the market yard and the expenses of such removal shall be paid by the person who has caused the said encroachment and shall be recovered in the same manner as arrears of land revenue.

(2) Existence of encroachment in market yard will be treated as misconduct of committee, if it does not resolve to remove it and also of the Chairman, Vice- chairman or the Chief Executive Officer if they fail to remove it after resolution of the committee.

Use of weighing instruments, weight and measure, their inspection and seizure

33 (1) Only such weighing instruments which satisfy the requirements of such weights and measures as are prescribed by the State Weights and Measure Act, and the rules made their under shall be used for weighing or agricultural produce in a measure, notified market area:

Provided that in transactions of sale and purchase of agricultural produce in the principal market yard and sub-market yards of the notified market area the beam scale or platform scale or electronic balance shall only be used.

(2) Every committee shall keep in the market yard at least one weighing instrument of the capacity of one quintal and two sets of weights and in places where measures are used to be measured, verified and stamped in accordance with the provisions of the State Weights and Measures Act and the rules framed there under. The committee shall cause with such weights and

measures to be tested and verified once in the course of each calendar year through the agency appointed and in accordance with the requirements of the said Act and Rules.

(3) The Market Committee shall allow any person to check free of charge any weight or measure in his possession against the weights and measures maintained under this section .

(4) Weighing instruments, weights and measures kept by the committee under this section may at any time be inspected, examined and checked by the Director or the Managing Director or any other officer duly authorized in this behalf by the Director/Managing Director. After inspection, the inspecting authority may give such directions as it may deem proper, the committee shall be bound to comply with such directions.

(5) The Director/Managing Director or the Market Committee, and any other person authorized in this behalf by the Director/ Managing Director or Market Committee shall be entitled at any time and without previous notice to inspect, examine and test any weighing instruments, weights or measures used, kept or possessed within a notified market area by a licensee under the Act, and every such licensee in possession of any such weighing instrument, weights or measures shall when required be bound to produce the same before the person entitled so to inspect, examine and test it.

(6) Any person authorized to inspect, examine and test any weighing instrument, weights or measures under sub-section (5) shall, while so acting, have all the powers of an Inspector, Weights and Measures appointed under the State Weights and Measures Act.

Mode of making contract.

34. (1) Subject to the provision of this Act. No contract or agreement on behalf of the Market Committee for the purchase, sale, lease, mortgage or other transfer of, or acquisition of interest in immovable property shall be executed except with the sanction of the Market Committee:

Provided those in such cases where the powers under this sub section in respect of any matter are delegated to. A sub-committee, sanction of sub-committee shall be obtained.

(2) Save as provided in sub-section (1)

(a) Chief Executive Officer of the Market Committee may execute contract or agreement on behalf of the Market Committee where the amount or value of such contract or agreement does not exceed rupees five thousand regarding matters in respect of which he is generally or specifically authorized to do so by a resolution of the Market Committee.

(b) the Chairman and Chief Executive Officer of the Market Committee may jointly execute a contract or an agreement on behalf of the Market Committee when the amount or value of such a contract or an agreement does not exceed rupees twenty thousand depending on the class of the Market Committee as may be prescribed;

(c) in any case other than those referred to in clause of Section 34 a contract or agreement on behalf of the Market Committee shall be executed by the Chairman, Chief Executive Officer and one other member of the Market Committee who shall have been generally or specially authorized by a resolution of the committee to do so.

(3) Every contract entered into by the Market Committee shall be in writing and shall be signed on behalf of the Market Committee by the person or persons authorized to do so under sub-section (2) of Section 34.

(4) No contract other than a contract executed as provided in sub-sections (1), (2) or (3) of Section 34 shall be valid and binding on the Market Committee.

(5) (a) Notwithstanding anything contained in the Indian Registration Act, 1908 (No.16 of 1908), it shall not be necessary for the Chairman or any member or officer or Chief Executive Officer of a Market Committee to appear in person or by agent at any registration office in any proceeding connected with the registration of any instrument executed by him in his official capacity or to sign as provided in Section 58 of the Act.

(b) Where any instrument is so executed. The Registration Officer to whom such instrument is presented for registration may, if he thinks fit, refer to such Chairman, member, officer or Chief Executive Officer for furnishing information respecting the same and shall on being satisfied of the execution thereof, register the instrument.

(6) Where a contract or agreement is entered into on behalf of a Market Committee, the Chief Executive Officer of the Market Committee shall report the fact to the Market Committee at its meeting convened and held immediately following the date of entering into such a contract or an agreement.

Act of Market Committee etc. not to be invalidated

35. No act of Market Committee or of any sub-committee thereof or of any person acting as a member, Chairman, Vice- Chairman, presiding authority or Chief Executive Officer shall be deemed to be invalid by reason only of some defect in the constitution or appointment of such Market Committee, sub-committee members,Chairman. Vice-Chairman, presiding authority or Chief Executive Officer or on the ground that they or any of them were disqualified for such office or that formal notice of the intention to hold a meeting of the committee or of the sub-committee was not given duly or by reason of such Act having been done during the period of any vacancy in the office of the Chairman, Vice-Chairman or Chief Executive Officer or member of such committee or sub-committee or for any other informality not effecting the merits of the case.

CHAPTER-VI
Staff of Market Committee

Chief Executive Officer of Market Committee

36. (1) Every Market Committee shall have a Chief Executive Officer who shall be the chief executive of the market and the custodian of all the records and properties of the market and shall exercise and perform the following powers and duties in addition to such other duties as may be specified in this Act, the Rules or Bye-Laws, namely.-

(i) convene the meetings of the Market Committee and of the sub-committees, if any, and maintain minutes of the proceedings thereof;

(ii) attend the meetings of the Market Committee and of every sub-committee and take part in the discussions but shall not move any resolution or vote at any such meeting;

(iii) take action to give effect to the resolution of the committee and of the sub-committees, and report about all actions taken in pursuance of such resolution to the committee as soon as possible;

(iv) prepare the budget proposal;

(v) furnish to the Market Committee such returns, statements, estimates, statistics and reports as the Market Committee may from time to time, require including reports;

(a) regarding the fines and penalties levied on and any disciplinary action taken against the members of the staff and the market functionaries and others;

(b) regarding over-trading by traders;

(c) regarding contravention of the Act, the rules, the Bye-laws of the standing orders by any person;

(d) regarding the suspension or cancellation of license by the Chairman or the Director;

(e) regarding the administration of the Market Committee and the regulation of the marketing;

(vi) produce before the committee such documents, books, registers and the likes as may be necessary for the transaction of the business of the committee or the sub-Committee, and also whenever called upon by the Market Committee to do so;

(vii) exercise supervision and control over the acts of all officers and servants of the committee;

(viii) collect fees and other money livable by or due to the Market Committee;

(ix) be responsible for all moneys credited to or received on behalf of the Market Committee;

(x) make disbursements of all moneys lawfully payable by the Market Committee;

(xi) report to the Chairman and Director or Managing Director as soon as possible in respect of fraud, embezzlement, theft or loss of Market Committee fund or property;

(xii) prefer complaints in respect of prosecutions to be launched on behalf of the Market Committee and conduct proceedings, civil or criminal, on behalf of the Market Committee.

(2) The Chief Executive Officer shall be appointed by the Market Committee from the panel maintained by the Director/ Board. The Director/ Board shall draw upon such panel of the candidates which may include professionals from open market to be appointed as Chief Executive Officers as may be prescribed. Director/ Managing Director shall have powers to appoint Chief Executive Officer from the services of the State Government /Board and such appointments shall be binding on the Market Committee.

Appointment of Staff by Market Committee

37. (1) Every Market Committee may appoint such other officers and servants as may be necessary and proper for the efficient discharge of its duties:

Provided that no post shall be created save with the prior sanction of the Director/ Managing Director.

(2) The Market Committee may make bye-laws for regulating the appointment, pay, leave, leave allowances, pensions, gratuities, contribution to provident fund and other conditions of service of officers and servants appointed under sub-section (1) and for providing for the delegation of powers, duties and functions to them.

(3) Notwithstanding anything contained in this Act or any Rules or Bye-Laws made there under,the Director/ Managing Director may, subject to the conditions specified in sub-section (4) , transfer on deputation any officer or servant of any Market Committee carrying a maximum scale of pay as prescribed to any other Market Committee of the Revenue Division and it shall not be necessary for the Director/ Managing Director to consult either the Market Committee or the officer or servant concerned before passing an order of transfer on deputation under this sub-section.

(4) The officer or servant concerned transferred under sub-section (3) shall,

(a) have his lien on the post held in the parent Market Committee;

(b) not be put to disadvantageous position in respect of pay and allowances which he would have been entitled to, had he continued in the parent Market Committee

(c) be entitled to deputation allowance at such rate as the Director/Managing Director may by general or special order, specify; and

(d) be governed by such other terms and conditions including .disciplinary control as the Director/Managing Director may, by general or special orders, specify.

CHAPTER - VII
Contract Farming

Procedure and form of Contract Farming Agreement

38. Contract Farming agreements shall be governed in the manner lay down hereinafter.

(1) Contract farming Sponsor shall register himself with the Market Committee or with a prescribed officer in such a manner as may be prescribed.

(2) The Contract Farming Sponsor shall get the contract farming agreement recorded with the officer prescribed in this behalf. The contract farming agreement shall be in such form containing such particulars and terms and conditions as may be prescribed.

Notwithstanding anything contained in contract farming agreement, no title, rights, ownership or possession shall be transferred or alienated or vest in the contract farming sponsor or his successor or his agent as a consequence arising out of the contract farming agreement.

(3) Disputes arising out of contract farming agreement may be referred to an authority prescribed in this behalf for settlement. The prescribed authority shall resolve the dispute in a summary manner within thirty days after giving the parties a reasonable opportunity of being heard, in the manner prescribed.

(4) The party aggrieved by the decision of the prescribed authority under sub-section (3) of Section 38 may prefer an appeal to an Appellant Authority within thirty days from the date of decision. The Appellant Authority shall dispose of the appeal within thirty days after giving the parties a reasonable opportunity of being heard and the decision of the Appellant Authority shall be final.

(5) The decision by the authority under sub-section (3) of Section 38 and decision in appeal under sub-section (4) shall have force of the decree of the civil court and shall be enforceable as such and decrial amount shall be recovered as arrears of land revenue.

(6) Disputes relating to and arising out of contract farming agreement shall not be called in question in any court of law than otherwise provided herein above.

(7) The agricultural produce covered under the Contract Farming agreement may be sold to the Contract Farming Sponsor out side the market yard and in such a case, no market fees will be leviable.

CHAPTER VIII
REGULATION OF TRADING

Regulation of Marketing of notified agriculture produce

39. (1) No person shall, except in accordance with the provisions of this Act and the Rules and Bye-laws made there under.-

(i) use any place in the market area for the marketing of notified agricultural produce; or

(ii) operate in the market area as a market functionary.

(2) Nothing in the sub-section (1) shall apply to the following sale or purchase of such agricultural produce.-

(i) whereof the sale is made by the producer himself to any person for his domestic consumption in quantity up to four quintals;
(ii) Which is brought for sale by head load:
Provided that the State Government by notification may withdraw this exemption specifying the reasons therein in respect of such market area as is specified in the notification;
(iii) Purchase or sale of which is made by a petty trader;
(iv) purchase of which is made by an authorized fair price shop dealer from the Food Corporation of India, the "The State Commodities Trading Corporation" or any other agency or institution authorized by the State Government for distribution of essential commodities through the public distribution system;
(v) The transfer of such agricultural produce to a cooperative society for the purpose of securing an advance there from.

Sell of notified agricultural/ Horticultural/ Animal Husbandry/ Forest produce in Market

40. (1) all notified agricultural produce shall ordinarily be sold in the market yards/ sub market yards or in the private yards of the license holder. Subject to the provisions of sub-section (2):
Provided that the notified agricultural produce may be sold at other places also to a license holder especially permitted in this behalf under Section 45 of this Act:
Provided further that it will not be necessary to bring agricultural produce covered under contract farming to the market yard/ sub market yard /private yard and it may be directly sold to contract farming sponsor from farmers' fields.
(2) Such notified agricultural produce as may be brought by the licensed / registered traders from outside the market area or in the market area in the course of commercial transaction may be brought or sold anywhere in the market area.
(3) The price of the notified agricultural produce, brought for sale into the market yard, shall be settled by tender bid or open auction or any other transparent system and no deduction shall be made from the agreed price on any account whatsoever from the seller:
Provided that the price of notified agricultural produce in the private yards shall be settled in the manner prescribed.
(4) Weighment or measurement or counting of all the notified agricultural produce so purchased shall be done by such a person and such system as is provided in the bye-laws or at any other place specified for the purpose by the Market Committee .

Terms and procedure of buying and selling

41. (1) Except in the commercial transaction between two traders, any other person who buys notified agricultural produce in the market area, shall execute an agreement in triplicate in such form , as may be prescribed in favor of the seller. One copy of the agreement shall be kept by the buyer, one copy shall be supplied to the seller and the remaining copy shall be kept in the record of Market Committee.
(2) (a) The price of the notified agricultural produce brought in the market yard,/sub market yard / private yard shall be paid on the same day to the seller in market yard /sub market yard/private yard. Payment of notified agricultural produce purchased , out of such yard - yards, shall also be made to the seller, if he is not a trader, on the same day there itself;
(b) in case purchaser does not make payment under clause (a), he shall be liable to make additional payment at the rate of one percent, per day of the total price of the agricultural produce, payable to the seller within five days;
(c) in case the purchaser does not make payment with additional payment to the seller under clause (a) and (b) above, within five days from the day of such purchase, his license / registration shall be deemed to have been cancelled on the sixth day and he shall not be registered or granted any

license or permitted to operate under this Act for a period of one year from the date of such cancellation.

(3) No wholesale transaction of notified agricultural produce shall be entered directly by licensed/ registered traders with producers of such produce except in the market yard/ sub market yard / private yard or in such place in accordance with the provisions in the Bye-Laws.

Provided that agricultural produce produced under contract farming, may be bought directly by contract farming buyer anywhere.

(4) The Commission agent shall recover his commission only from his principal trader at such rates as may be specified in the Bye-laws including all expenses as may be incurred by him in storage of the produce and other services rendered by him.

(5) Every commission agent shall be liable .-

(a) to keep the goods of his principal in safe custody without any charge other than the commission payable to him, and

(b) to pay the principal, as soon as goods are sold, the price thereof irrespective of whether he has and has not received the price from the buyer of such goods.

Power to levy market fees (single point levy)

42. (1) Every Market Committee shall levy market fee:-

(i) On the sale or purchase of notified agricultural produce, whether brought from within the State or from outside the State, into the market area; and

(ii) on the notified agricultural produce whether brought from within the State or from outside the State, into the market area for processing;

at such rates as may be fixed by the State Government from time to time subject to minimum rate of fifty paisa and a maximum of two rupees for every one hundred rupees of the price in the manner prescribed.

(2) (i) Market fee specified in sub-section (1) shall not be levied for the second time in any market area of the State, provided that market fee has already been paid on that agricultural produce in any market of the State and the information in this context has been furnished, as prescribed, by the concerned person that the payment of market fee has already been made in other market;

(ii) market fee shall not be levied more than once in any market area in case the agricultural produce is being resold in the process of commercial transaction between traders or to consumers, provided that the information, as prescribed has been furnished by the concerned person that the payment of due market fee has already been made on it.

(3) On the agricultural produce brought in the market area for commercial transaction or for processing, if the permit issued under Section 43 has not been submitted, the market fee shall be deposited by the buyer or processor, as the case may be, in the office of the Market Committee. Within fourteen days but before sale or resale or processing or export outside the market area:

Provided that in case any notified agricultural produce is found to have been processed, sold or resold or dispatched outside the market area without payment of market fee payable on such produce, the market fees shall be levied and recovered on five times the market value of the processed produce or value of the agricultural produce, as the case may be.

(4) The market fee shall be payable by the buyer of the notified agricultural produce and shall not be deducted from the price payable to the seller. Provided that where the buyer of a notified agricultural produce cannot be identified, all the fees shall be payable by the person who may have sold or brought the produce for sale in the market area:

Provided further that in case of commercial transactions between traders in the market area, the market fee shall be collected and paid by the seller.

(5) The market functionaries, as the Market Committee may, by Bye-laws specify. Shall maintain account relating to sale and purchase or processing or value addition in required forms and submit to the Market Committee periodical returns as may be prescribed.

(6) The Market Committee may levy and collect entrance fee on vehicles, which may enter into market yard, sub market yard at such rate as may be specified in the bye-laws.

Permission for Transportation of notified Agriculture produce

43. (1) Any notified agricultural produce shall be removed out of the market area only in the manner and in accordance with the permit issued in such form, as is prescribed by the Managing Director or Director, and not otherwise:

Provided that the bill issued by the seller will have to be kept with at the time of transportation of processed product of agricultural produce:

Provided also that the producer of the agricultural produce himself may take the agricultural produce from one place to another without permit as is prescribed by the Managing Director/ Director.

(2) Any agricultural produce shall be transported in the market area under commercial transactions as is prescribed by the Managing Director/ Director.

Registration of functionaries

44. (1) Every person who, in respect of notified agricultural produce, desires to operate in the market area as of trader, commission agent, Weigh men, hammal, surveyor, warehouseman, contract farming buyer owner or occupier of processing factory or such other market functionary, shall apply to the Market Committee for registration or renewal of registration in such manner and within such period as may be prescribed:

Provided further that any person may buy agricultural producd in the market yard / sub market yard on day to day basis even without getting registration in manner prescribed by the State Government:

Provided further that any person who desires to trade or transact in any notified agricultural produce in more than one market areas, shall have to get his registration, for respective function, with the authority prescribed by the State Government/Director/Managing Director.

(2) Every such application shall be accompanied with such fee as the State Government/Director/ Managing Director may prescribe.

(3) The Market Committee may register or renew the registration or refuse to register or renew the registration on the basis of one or more of the following reasons.-

(i) the applicant is a minor or not bonafide;

(ii) the applicant has been declared defaulter under the Act or rules made there under and bye-laws;

(iii) the applicant has been found guilty under this Act.

(4) (i) The applications received under sub-section (1) shall be disposed of by the Market Committee as required in sub- section (3) in four weeks but if the Market Committee fails to dispose of applications in four weeks, then –

(a) the applicant shall remind in writing the Market Committee, in respect of his application,

(b) moreover, the applicant shall also inform in writing to the authority prescribed by the Managing Director/ Director in this regard.

(i) On expiry of period of two weeks after submitting the reminder if the application is not disposed of, it shall be deemed that the registration or its renewal, as the case may be, has been granted.

(ii) The prescribed authority on the basis of information received by him and after expiry of time of two weeks, shall only confirm that application for registration/ renewal was submitted to the Market Committee and due action has not been

taken by the Market Committee for disposal of the same then he shall issue a certificate under clause (ii) of sub - section (4) regarding grant of deemed registration or its deemed renewal within two weeks time.

(5) All the registrations granted and renewed under this section shall be subject to the provisions of this Act, Rules and Bye-Laws made there under.

(6) No commission agent shall Act in any transaction between the agriculturists - seller or trader - purchasers, on behalf of an agriculturist-seller, nor shall he deduct any amount towards commission from the sale proceeds payable to the agriculturist-seller.

Establishment of Private Yards, Direct purchase of Agricultural produce of Agriculturist(Direct purchasing from producer)

45. The Director/Managing Director/ Prescribed authority may grant license to purchase agricultural produce by establishing private yard or from agriculturist, in and direct one or more market area for-

(a) process of the notified agricultural produce;
(b) trade of notified agricultural produce of particular specification;
(c) export of notified agricultural produce;
(d) grading, packing and transaction in other way by value addition of notified agricultural produce.

Establishment of Consumer / Farmers Market. (Direct Sale by producer)

46. (1) Consumer/Farmer market may be established by developing infrastructure as prescribed, by any person in any market area. At such place, producer of agricultural produce himself may, as prescribed, sell his produce directly to the consumer:

Provided that the consumer may not purchase more than such quantity of a commodity at a time in the consumer market as may be prescribed.

(2) Market service charge shall be collected on sale of agriculture produce by the seller and will be remitted to the proprietor of the consumer market.

(3) Save as other wise provided in this Act no market fee shall be levy on the transactions under taken in the consumer/farmers market.

(4) License for establishment of consumer/farmer market shall be granted by the State Government Director /Managing Director.

Grant/Renewal of Licensee of Private Yard, Consumer/ Farmers market and weighmens

47. (1) Any person who, under Section 45 desires to purchase notified agricultural produce direct from the agriculturists or wishes to establish a private yard or under Section 46 desires to establish in one or more than one Consumer/ Farmer market area, shall apply to the Director/Managing market and Director for grant or renewal of license , as the case may be , in the manner and for the period , as may be prescribed by the State Government.

(2) Along with every such application for license, fee prescribed, by Managing Director shall be deposited.

(3) Application received under sub-section (1) of Section 47 for grant or renewal of license may be accepted or rejected for reasons recorded in writing by the authority prescribed by the State Government, as the case may be provided-

(i) if the Market Committee dues are outstanding against the applicant the license shall not be granted/renewed;
(ii) the applicant is a minor or not bonafide;
(iii) the applicant has been declared defaulter under the Act and rules and bye-law made there under;
(iv) the applicant having been declared guilty in any criminal case and convicted by imprisonment;
(v) any other reasons.

(4) All the licenses granted /renewed under this section shall be subject to provisions of this Act, rules or Bye-Laws made there under.

Power to Cancel or suspend Licensee / Registration.

48. (1) Subject to the provisions of sub - section (4) of Section 47, the Director or Managing Director or Prescribed officer or Market Committee who has issued license as the case may be for the reasons registration to be communicated

to the license holder/ registration holder in writing, suspend or cancel, license registration:-

(a) If the license or registration has been obtained through willful misrepresentation or fraud; or

(b) if the holder of the license or registration or any servant or anyone acting on his behalf with his (license/registration holder's) expressed or implied permission, commits a breach of any of the terms or conditions of license Registration ;

(c) if the holder of the license/ registration in combination with other license / registration holder commits any Act or abstains from carrying on his normal business in the market area with the intention of willfully obstructing, suspending or stopping the marketing of notified agricultural produce in the market yard I sub market yard and in consequence whereof the marketing of any notified agricultural produce lies been obstructed, suspended or stopped;

(d) if the holder of the license /registration has become an insolvent;

(e) if the holder of the license/registration incurs any disqualification , as may be prescribed; or

(f) if the holder of the license/registration is convicted of any offence under this Act then within one year of the conviction if the conviction is for the first time and within three years for subsequent conviction.

(2) Subject to the provisions of sub- section (4) the Chairman or Chief Executive Officer may, after communicating the reasons in writing to the license /registration holder, suspend a license /registration for the period not exceeding one month on any reason for which the Market Committee may suspend a license / registration under sub- section (1):

Provided that such order shall cease to have effect on expiry of a period of ten days from the date on which it is made , unless confirmed by the Market Committee before such expiration.

(3) Notwithstanding anything contained in sub- section (1) , but subject to the provisions of sub-section (4), the Director/Managing Director may, for the reasonsto be communicated in writing to the license / registration holder, by order suspend or cancel his/its license/registration granted or renewed by the Market Committee:

Provided that no order under this sub section shall be made without notice to the Market Committee.

(4) No license/registration shall be suspended or cancelled under this section without giving a reasonable opportunity to its holder to show cause against such suspension or cancellation:

Provided that the power to suspend or cancel a license granted by the authority prescribed by the State Government shall vest with the authority himself so prescribed subject to provisions of this section.

Appeal

49. (1) Any person aggrieved by an order of the Chief Executive Officer or the Chairman of Market Committee or the Director/Managing Director , passed under Sections 44, 47 or 48, as the case may be, prefer an appeal-

(a) to the Market Committee, where such order is passed by the Chairman/Chief Executive Officer, within seven days of receipt of the order ;

(b) to the Director/Managing Director, where such order is passed by the Market Committee, within thirty days of receipt of the order; and

(c) to the State Government, where such order is passed by the Director /Managing Director, within thirty days of receipt of the order ; in such manner as may be prescribed.

(2) the Appellate Authority, if it considers necessary to do so, grant a stay of the order appealed against for such period as it may deem fit.

(3) the order passed by the Chairman, Market Committee and the Director/Managing Director shall, subject to the order in the appeal under this section. Be final and shall not be called in question in any court of law.

Redressal of dispute between Private Market or Market Committee and Consumer Market

50. (i) Dispute between the Private market or Consumer market and Market Committee, shall be referred to the Director or Managing Director or his representative. Or any other officer authorized by the State Government in this regard. The dispute shall is resolved after giving both parties a reasonable opportunity of being heard, in the manner prescribed.

(ii) The decision given by the authority under sub-section (I) above shall be final and shall not be called in question in any Court of Law.

Provision of Trade allowances other than those prescribed under this act

51. No trade allowance or deduction, other than of prescribed by or under this Act, shall be made or received by any person in any market area in any transaction in respect of the notified agricultural produce and no Civil Court, shall, in any suit or proceedings arising out of any such transaction, have regard to any trade allowance not so prescribed.

Power to order production of Account and entry, inspection and seizure

52. (1) The Chief Executive Officer of the Market Committee or any officer or servant of the State Government or the Board, empowered by the State Government in this behalf may , for the purposes of and this Act, require any person carrying on business in any kind of notified agricultural produce to produce before him the accounts and other documents and to and furnish any information relating to stocks of such agricultural produce or purchase, sale, processing, value addition and delivery of such agricultural produce by such person and also to furnish any other information relating to payment of market fees by such person.

(2) All accounts and registers maintained by any person in the ordinary course of business of any notified agricultural produce and documents relating to stocks of such agricultural produce or purchase, sale, processing, value addition of such agricultural produce in his possession and offices, establishment, go downs, vessels or vehicles of such persons shall be kept open for inspection at all reasonable time by such officers and servants of the State Government, Board or Market Committees may be authorized, by the State Government in this behalf.

(3) If any such officer or servant has reasons to suspect that any person is attempting to evade the payment of any market fee due from him under Section 42 or that any person has purchased. sold, processed or value added any notified agricultural produce in contravention of any of the provisions of this Act or the rules or the bye-laws in force in the market areas, he may by communicating in writing to such person, seize such accounts, registers or documents such a person, as may be necessary, and shall grant a receipt for the same and shall retain the same only so long as may be necessary for examination thereof or for a prosecution.

(4) For the purpose of sub- section (2) or sub- section (3) such officer or servant may enter or search any place of business, warehouse, office, establishment, go down, vessel or vehicle where such officer or servant has reason to believe that such person keeps or for the time being has kept accounts, registers or documents of his business, or stock of notified agricultural produce relating to this business.

(5) The provisions of Section 100(4) to (8) of the Code of Criminal Procedure, 1973, shall, so far as may be, apply to a search under sub- section (4).

(6) Where any books of accounts or other documents are seized from any place and there are such entries therein making reference to quantity, quotations, rates, receipts or payment of money or sale or purchase of goods, such books of accounts or other documents shall be admitted in evidence without witness having to appear to prove the same, and such entries shall be prima facie evidence of matters, transactions and accounts purported to have been recorded therein.

Submission of annual account by Licensee/Registrar functionaries and assessment of Market fee

53. (1) Every trader, processor, proprietor of a private yard, proprietor of consumer/ farmer market or commission agent, carrying on business of notified agricultural produce shall, before the 30th June, every year submit to the Chief Executive Officer a statement of transaction undertaken by or through him during the previous financial year ending on the 3lst March, in the prescribed manner

(2) The Chief Executive Officer shall accept or reject the statement submitted to him under sub - section (1) after necessary examination and verification on the basis of information duly available in the Market Committee and shall assess the balance amount payable by the functionary and levy the assessed amount.

(3) Any person aggrieved by the proceedings of the Chief Executive Officer, may within thirty days.

(4) Any officer authorized by the State Government or the Board may. On his own motion or on application made to the State Government start process of re-verification of the statement, verified by the Chief Executive Officer. Within two years of the date of verification and for this purpose such officer shall exercise the powers under Section 52.

(5) The re-verification made by the officer authorized by the State Government or the Board, shall be final.

Assessment of Market Fee of his own motion by the Chief Executive Officer, payable to Market Committee by Licensee/ Registered Functionaries

54. If any person required to produce accounts or furnish information under sub-section (1) of Section 53 fails to produce such accounts or to furnish information or knowingly furnishes incomplete or incorrect accounts or information or has not maintained proper accounts of the business of the notified agricultural produce,the Chief Executive Officer, on his own motion, shall assess such person for fees levied under Section 42 on the basis of information available with the Market Committee .

Power to stop Vehicles and inspect store

55. (1) At any time when so required :-

(i) by any officer or servant of the Board or any officer or servant of the Government, empowered by the Board or the Collector in this behalf in any market area, or

(ii) by any officer or servant of the Market Committee empowered by the Market Committee in this behalf in the market area concerned , the driver or any other person in charge of the vehicle, vessel or other conveyance shall stop the vehicle, as the case may be, and keep it stationary, as long as may reasonably be necessary, and allow such person to examine the contents in the vehicle, vessel or other conveyance and inspect all records relating to notified agricultural produce carried and give his name , address and name and address of the owner of the vehicle, vessel or other conveyance and name and address of the owner of the notified agricultural produce carried in such vehicle, vessel or other conveyance.

(2) Persons empowered under sub-section (1) shall have power to seize any notified agricultural produce brought into or taken out or proposed to be taken out of the market area in any vehicle. Vessel or other conveyance, if such person has reason to believe that any fee or other amount due under this Act or the value payable to the seller in respect of such produce has not been paid.

(3) If any person empowered under sub-section (1) has reason to suspect that any person is attempting to evade the payment of any market fee due from him under Section 42 or that any person has purchased or stored any notified agricultural produce in contravention of any of the provisions of this Act or the Rules or the Bye-laws in force in the market area , he may enter or search any place of business, warehouse , office , establishment or go down where the person empowered under sub-section (1) has reason to believe that such person keeps or has for the time being kept stock of notified agricultural produce and

may seize the stored agricultural produce and such seized notified agricultural produce may be confiscated in favor of the Market Committee as prescribed for this purpose. Provided that the reasonable opportunity of hearing shall be given to the person concerned before confiscation of the agricultural produce.

(4) The provisions of Section 100 , 457 , 458 and 459 of the **Code of Criminal Procedure, 1973** (No. 2 of 1974) shall, apply to entry , search and seizure under sub-section (1) , (2) and (3) as they apply in relation to the entry , search and seizure of property by the police officer. Such seizure shall forthwith be reported by the person aforesaid to a Magistrate having jurisdiction to try the offence under this Act.

Power to grant exemption from Market fee

56. (1) The State Government may. by notification and subject to such conditions and restrictions, if any, as may be specified therein exempt in whole or in part any agricultural produce brought for sale or bought or sold in the market area specified in such notification, from the payment of market fee for such period as may be specified therein;

(2) Any notification issued under this section may be rescinded before the expiry of the period for which it was to have remained in force, and on such rescission. Such notification shall cease to be in force.

CHAPTER-IX
Budget and Market Committee Fund

Preparation and sanction of Budget

57. (1) Every Market Committee shall prepare and pass the budget of its income and expenditure for the preparation and ensuing year in the prescribed form and shall submit sanction of it to the Director/Managing Director for sanction budget. Before the prescribed date every year.The Director/Managing Director shall sanction the budget with or without modification within two months from die date of receipt thereof. If the budget is not returned by the Director/Managing Director within two months, it shall be presumed to have been sanctioned.

(2) The Market Committee may sanction and cause to undertake execution of construction works out of its fund other than the permanent fund referred to in sub-section (6) on the basis of the plans and designs approved by the Market Committee in such manner as may be prescribed by the Board. No expenditure except payment of pension will be made out of pension fund.

(3) No expenditure shall be incurred by a Market Committee on any item if there is no provision in the sanctioned budget thereof unless it can be met by re-appropriation from saving under any other head. The sanction for re-appropriation may be obtained from the Director/Managing Director provided that in case of re-appropriation from minor heads under one major head, sanction for re-appropriation will not be required.

(4) A Market Committee at any time during the year for which any budget has been sanctioned, cause a revised or supplementary budget to be passed and sanction in the same manner as if it were an original budget.

(5) The Market Committee shall make provision in its budget for crediting the amount into the permanent fund at the rate of twenty percent of its gross receipt comprising of license fee and market fee and to the pension fund as prescribed form time to time by the Director/Managing Director. No expenditure from the permanent fund shall be incurred except with the prior approval or as per direction given by the Director/ Managing Director. No expenditure from this fund or from amount as provided under sub- section (2) of Section 58 shall be proposed in the budget referred to in sub - section(1).

(6) The Director/Managing Director/Board while according sanction for construction work may at his discretion, direct that the execution of the works shall be entrusted

to the Public Works Department of the State Government or Marketing Board or any other agency authorized by the State Government for this purpose.

Market Committee Fund

58. (1) Save as provided in sub-section (2) of Section 58 moneys received by a Market Committee shall be paid into a fund to be called "The Market Committee Fund" and all expenditure incurred by the Market Committee under or for the purposes of this Act shall be defrayed out of the said fund. Any surplus remaining with, the Market Committee after such expenditure has been met shall be invested in such manner as may be prescribed.

(2) Any money received by the Market Committee by way of arbitration fee or as security for costs in arbitration proceedings relating to disputes or any money received by the committee by .way of security deposit, contribution to provident fund or for payment in respect of any notified agricultural produce, or charges payable to Weigh men, hammal and other functionaries and such other money received by the Market Committee may be provided in the rules or bye-laws shall not form part of Market Committee fund, and shall be kept in such manner as may be prescribed.

(3) Save as otherwise provided in this Act, the amount to the credit of the Market Committee fund and also other money received by the Market Committee shall be kept in a scheduled co-operative bank or in nationalized bank or in post office saving bank or in any other mode with the approval of the Director/ Managing Director.

Application of Market Committee fund

59. Subject to the provisions of Section 58, the Market Committee in order to discharge functions and duties entrusted to it under this Act, may use the market committee fund. Without prejudice to generality of this provision the market committee fund may be used for the following purposes, namely :-

(i) the acquisition of a site or sites for the market;
(ii) the establishment. Maintenance and improvement of the market yard;
(iii) the construction and repairs of building necessary for the purpose of the market yard and for convenience or safety of the persons using the market yard;
(iv) the maintenance of standard weights ends measures;
(v) the meeting of establishment charges including payment and contribution towards provident fund, pension and gratuity of the officers and servants employed by a Market Committee;
(vi) loans and advance to the employment of the Market Committee;
(vii) the payment of interest on the loans that may be raised for the purpose of the market and provisions of sinking fund in respect of such loans;
(viii) the collection and dissemination of information relating to crop statistics and marketing of agricultural produce;
(ix) expenses incurred in auditing the account of the Market Committee;
(x) payment of honorarium to Chairman traveling allowance of Chairman, Vice-chairman and other members of the Market Committee and sitting fees payable to member or attending the meeting;
(xi) contribution to State Agricultural Marketing Board as prescribed;
(xii) contribution to any scheme for development of agricultural marketing including transport;
(xiii) to provide facilities like grading, standardization and quality certification services and communication to agriculturist in the market area;
(xiv) to provide for development of agricultural produce in the market area;
(xv) payment of expenses on elections under this Act;
(xvi) incurring of all expenses or research, extension and training in marketing of agricultural produce;
(xvii) prevention, in conjunction with other agencies, state, Central and others of distress sale of agricultural produce;

(xviii) fostering co-operative marketing and assisting cooperative marketing societies in the procurement and organization of profitable disposal of produce particularly the produce belonging to small and marginal farmers;

(xix) to create and promote on its own or through public private partnership infrastructure of post harvest handling of Agricultural produce, cold storages, pre cooling facilities pack houses and all such infrastructure to develop modern market systems.

(xx) any other purpose connected with the marketing of agricultural produce under this Act whereon the expenditure of the Market Committee fund is in the public interest subject to the prior sanction of the Director/ Managing Director.

CHAPTER – X
State Agricultural Marketing Board Constitution Functions and Powers

Establishment of the State Agricultural Marketing Board

60. The State Government may, for coordinating the activities of Markets and for development, promotion and regulation agricultural marketing exercising such other powers amid performing such functions as are conferred or entrusted by or under this Act, establish and constitute a State Agricultural Board.

Incorporation of the Board

61. The Board shall be a body corporate having perpetual of succession and common seal and may sue and be sued in its corporate name and shall be competent to acquire and hold property both movable and immovable and to lease sale or otherwise transfer any such property amid to contract and to do all other things necessary for the purpose for which it is established.

Constitutions of the State Agricultural Marketing Board.

62. The Board shall consist of a Chairman and such other of the members as may be appointed by the State Government.

Members of the Board.

63. The members of the board shall be appointed by the State Government from amongst the following categories of persons, namely:-

1. **Chairman** - Their shall be a Chairman of the State Agricultural Marketing Board who will be -

(i) Minister In-charge Agriculture/ Agricultural Marketing of the State Ex-officio

Or

shall be elected by the Chairmen/ Members of agriculturists of Market Committees as prescribed.

2. (i) Four to six Members to be nominated from amongst the Chairmen of Market Committees.

Or

Four to six agriculturist members elected by the members representing agriculturists or the chairmen amongst them as prescribed.

Or

One progressive farmers from each districts to be nominated by the Department of Agriculture /Horticulture.

(ii) Two members representative from traders operating in Agri/Horti business in the State.

(iii) One representative from Department of Agri/Horti not below the rank of Joint Director In-charge of Agriculture Marketing.

(iv) Representative of National Bank for Agriculture and Rural Development not below the bank not below the rank of Asstt. General Manager.

(v) Registrar of Cooperation Department or its representatives.

(vi) Representatives of animal Husbandry Department not below the rank of Joint Director.

(vii) One representative from processing unit from Private Sector established in the State.

(viii) One representative among the Chairman of the Market Committees.

3. Other ex-officio members will be as follows:
   (i) Agriculture production commissioner/Agriculture Commissioner
   (ii) Secretary Agriculture Department/ Secretary Cooperation and Marketing department or his nominee not below the rank of Joint Director, In-charge agricultural marketing.
   (iii) Representative of the National Bank for agriculture and rural development not below the rank of Asstt. General Manager.
   (iv) Registrar of Co-operative Societies/ Commissioner for Cooperation.
   (v) Director/Managing Director of State Marketing Board.

Appointment of Managing Director, Officers and employees of the Board

64. (1) The Board shall have a Managing Director who shall be appointed by the State Government and he shall be the Chief Executive Officer of the Board.
(2) The Managing Director appointed under sub-section (1) shall also function as the ex-officio Secretary of the Board.
(3) The Board may appoint other officers and employees as may be necessary for the efficient discharge of its duties and functions under the Act.
(4) The superintendence and control over all the officers and employees of the Board shall vest in the Managing Director.

Term of Officer of non official member of the board

65. The term of office of the non official members of the board shall be for five years, however the members may hold the office at the pleasure of the State Government. The State Government may if it thinks fit remove any member of the Board before the expiry of his term of office.

Or

The State Government may on his own motion or on resolution passed by a majority of 2/3rd of the members constituting Marketing Board, remove a Chairman or Vice-chairman or any member of the Marketing Board for misconduct or neglect of or in capacity to perform his duty and on such removal he shall not be selected as a Chairman or Vice- chairman or as a Member for a period of 6 years from the date of such removal. Provided that no order of such removal shall be passed unless the reasonable opportunity is given to the concerned.

Term of Official Members

66. The tenure of an official member of the board shall come to an end as soon as he ceases to hold the office by virtue of which he was nominated. In the event of supersession of the Market Committee from where the member/members have been nominated on the Board, the concerned member shall cease to a member on the Board.

Allowance to the Member of the Board

67. The members of the Board other than *ex-officio* member shall be paid from the State Marketing Development Fund such the sitting fees and allowances for attending its meetings and for attending to any other work as may be fixed by the State Government from time to time.

Filling of Casual Vacancy

68. In the event of death or resignation or disqualification or removal of any member of the Board or any vacancy occurred otherwise before the expiry of his term of office, a casual vacancy shall be deemed to have occurred in such office and such vacancy shall be filled, as soon as may be, by nomination by the State Government. The person so nominated shall hold such office for the un-expired term of his predecessor.

Registration of members.

69. A member of the Board may resign membership by tendering his resignation to the State Government under intimation to the Chairman of the Board and the seat of such member shall become vacant on the date of acceptance of his resignation

Disqualification of Members of Board

70. No person shall be a member of the Board who-
(a) Is, or at any time has been, adjudged insolvent; or
(b) Is, or has been convicted of an offence which, in the opinion of the State Government involves moral turpitude; or
(c) Is of unsound mind and stands so declared by the competent Court; or
(d) Is a Director or a Secretary, Manager or other salaried officer or employee of any company or firm having any contract with the Board or a Market Committee; or
(e) Is, or at any time been, found guilty under Section 87 or 99;
(f) Has so abused, in the opinion of the State Government, his position as a member, as to render his continuance on the Board detrimental to the interest of the general public.

Appointment of Sub-Committee

71. The Board may appoint sub-committees consisting of three or more of its members which shall include Chairman and the Managing Director, for the performance of any of its duties or functions or for giving advice on any matter incidental thereto and may delegate to such sub-committee any of its duties or functions as may be deemed necessary.

Superintendence of Board

72. The State Government shall exercise superintendent and control over the Board and its officers and may call for such information as it may deem necessary and, in the event of its being satisfied that the board is not functioning properly. It may suspend the Board and, till such time as a new Board is constituted, make such arrangements for the exercise of the functions of the Board as it may think fit:
Provided 'that the Board shall be constituted within six months from the date of its suspension.

Function and power of Board

73. (1) The Board shall, subject to the provisions of this Act perform the following functions and shall have the power to do such thing as may be necessary or expedient or carrying out these functions.-
(i) coordination of the working of the Market Committees and other affairs thereof including programs undertaken by such Market Committees for the development of markets and market areas;
(ii) undertake the State level planning of the development of Agricultural Produce Markets;
(iii) administer the State Market Development Fund;
(iv) giving direction to Market Committees in general or any Market Committee in particular with a view to ensure improvement thereof;
(v) any other functions specifically entrusted to it by this Act;
(vi) such other functions of like nature as may be entrusted to the Board by the State Government.
(2) Without prejudice to the generality of the foregoing provision such functions of the Board shall include;
(i) to approve Proposals for selection of new sites by the Market Committees for establishment or principal or sub-market yard;
(ii) to approve Proposal for constructing infrastructure facilities in the market area;
(iii) to supervise and guide the Market Committee in the preparation of plans and estimates of construction programmed undertaken by the Market Committee;
(iv) to execute all works chargeable to the Board's fund;
(v) to maintain accounts in such form as may be prescribed and get the same audited in such manner as may be laid own in the regulation of the Board;
(vi) to publish annually at the close of the year its progress report, balance sheet, and statement of assets and liabilities and send copies thereof to each member of the Board and the State Government;

(vii) to set up separate Marketing Extension cell in the Marketing Board for transfer of marketing technology and extension services, Marketing Board may also make necessary arrangements fur propaganda and publicity on matters related to regulated marketing of an agricultural produce and development of marketing;

(viii) to provide facilities for the training of officers and staff of the Market Committees after assessing the demand for trained personnel in Agricultural Marketing at all levels. A training Cell with college enters for training in Agricultural Marketing for various market functionaries, APMC member and farmers etc., be set up in the Stale Marketing Board (on Karnataka pattern), with necessary financial and academic support by the Directorate of Marketing and Inspection (Govt. of India) being the National level nodal agency;

(ix) to prepare and adopt budget for the ensuing year;

(x) to grant subventions on loans to Market Committee s for the purposes of this Act on such terms and conditions as the Board may determine;

(xi) arrange or organize seminars/ workshops/ exhibitions etc. on subject's related to agricultural marketing;

(xii) to do such other things as may be of general interest to Market Committees or considered necessary for the efficient functioning of the Board.

(xiii) organize and promote grading and standardization of notified agricultural produce and e-trading;

(xiv) arrange for collection of such Agricultural produce in the market area in which all trade therein is to be carried out on exclusively by the State Government or under any law in force for that purpose or of such agricultural produce in the market area as the State Government may from time to time notify.

(3) Marketing Board for the purpose of promotion of grading, standardization and quality certification of agricultural produce in the state shall setup an Agricultural Produce Marketing Standards Bureau to perform such functions and duties as prescribed.

Regulation

74. (1) The Board may with the previous approval of the State Government make regulations, not inconsistent with this Act and rules made there under for the administration of the affairs of the Board.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters :-

(a) Summoning and holding of meetings of the Board, the time and date when such meetings are to be held, the conduct of business at such meetings and the number of persons necessary to form a quorum thereof;

(b) powers and duties of the officers and other employees of the Board;

(c) salaries and allowances and other conditions of service of officers and other employees of the Board and of officers of the Market Committees;

(d) management of the property of the Board;

(e) execution of contracts and assurances of property on behalf of the Board;

(f) maintenance of accounts and the preparation of balance sheet by the Board;

(g) procedure for carrying out the functions of the Board under this Act;

(h) other matter for which provision is to be or may be made in regulation.

Marketing Development Fund.

75. All money received by or on behalf of the Board shall be credited to a fund called Marketing Development Fund.

Payments incurred by Board

76. All payments incurred by the Board shall be defrayed out of the said fund.

Contribution towards the Board

77. Every Market Committee shall, out of its funds, pay to the board as contribution such percentage of its income derived board. From license fees and market fees as may be prescribed by the State Government by notification in the official gazette, to meet the expenses of establishment of the board and expenses incurred in execution of the functions assigned to the Board under this Act.

Borrowing by issue of Bonds or Stocks

78. The Board may, for carrying out the provisions of this Act, borrow money from the State Government or may with the previous approval of the State Government-
    (i) From any other agency; or
    (ii) Issue debentures on the authority of any property vested in it or on the security of a part of its future income accruing to it under this Act, or the rules made there under.

Utilization of Marketing Development Fund

79. The Market Development Fund shall be utilized by the Board either on its own or through public private partnership for discharge of functions entrusted to the Board under this Act. Without prejudice to generality of this provision, the Market Development Fund may be utilized for the following purposes, namely.-
    (i) Payment of administrative expenditure of the Board;
    (ii) Payment of traveling and other allowance to the Chairman and Members of the Board;
    (iii) Payment of legal expenses incurred by the Board;
    (iv) Granting aid to financially weak Market Committees in the form of loan or grant for development proposes;
    (v) Propaganda and publicity on matters relating to marketing of Agricultural Produce;
    (vi) Training of the officers and staff of the Market Committees and Board and also to agriculturists;
    (vii) Imparting education in marketing of agricultural produce;
    (viii) Organizing and arranging workshops, seminars, exhibitors etc., on development of marketing;
    (ix) Promotion and construction of infrastructural facilities in the market area;
    (x) General improvement of the regulation of marketing in the State;
    (xi) Providing technical assistance to the Market Committees;
    (xii) For any other purposes, deemed necessary for execution of the functions assigned to the Board under this Act or as directed by the State Government;
    (xiii) Market survey and Research, grading and standardization, quality certification of agricultural produce and other allied subjects;
    (xiv) Acquisition or constructions or hiring by lease or otherwise of buildings or land for performing the duties of the Board;
    (xv) Internal audit of the Board and the Market Committees;
    (xvi) Development of Haat Bazaars for marketing of agricultural production in the market areas;
    (xvii) Development of quality testing and communication infrastructure relevant to agriculture and allied sectors;
    (xviii) Development of media, cyber and long distance infrastructure relevant to marketing of agricultural and allied commodities.

Audit of Account of the Board

80. (1) The accounts of the Board shall be subject to audit under the State Local Fund Audit Act or by a Certified Chartered Accountant.
    (2) The Board may make arrangement for internal audit of accounts, as it may deem fit.
    (3) The annual accounts and balance sheet of the Board shall be prepared by the Managing Director and all moneys accruing to or received by the Board from whatever source and all amounts disbursed or paid shall be entered in the accounts.
    (4) At the time of audit the Managing Director shall cause to be produced all accounts, registers, documents and other relevant papers which may be called for by the audit officer for the purposes of the audit. Any explanation called for by such officer for the removal of any discrepancy shall be immediately furnished to him.

(5) The accounts when audited shall be printed. The copies of accounts and audit report with comments thereon shall be placed before the Board.

(6) All moneys received into the 'The State (Marketing Development Fund' shall be deposited in a cooperative Bank or if such bank does not exist at the headquarter of the Board in Post Office Saving Bank or with the permission of Director/ Managing Director in Scheduled Bank.

Delegation of Powers.

81. (i) Subject to the provisions of this Act, the Board may by general or special order. Delegate to the Managing Director/ Member Secretary or sub-committee appointed by it or to any officer 'of the Board such of the powers and duties under the Act, as it may deem fit.

(ii) Chairman or Secretary of the Board may delegate his power under this Act to any officer of the Board.

Supervision and control of Chairman / Chief Executive.

82. (i) Chairman of the Board shall preside over the meeting.

(ii) Subject to the superintendence of the Board, the General control and direction over all the officers and staff of the Board shall be vested with the Chief Executive.

Functions and Powers of the Managing Director

83. The Managing Director shall-

(i) exercise supervision and control over officers and staff of the Board in matters of executive administration, concerning accounts and records and disposal of all questions relating to the service of the employees as per procedure prescribed;

(ii) appoint officers and staff of the Marketing board as per direction and procedure prescribed by the Board;

(iii) incur expenditure from the Marketing Development Fund on the sanctioned items of work;

(iv) in case of emergency,direct the executions or stoppage of any work and doing of any Act which requires the sanction of the Board;

(v) prepare annual budget of the Board;

(vi) arrange for internal audit of the Board;

(vii) arrange for the meetings of the Board and maintain records of the proceedings of the meetings of the Board as per procedure prescribed;

(viii) take such steps as deemed necessary for execution of the decision of the Board;

(ix) inspect the construction work undertaken by the Market Committees either from their own funds or loans and or grants provided by the Board or any other agencies and take corrective measures;

(x) report such acts either of the Market Committees or of the Board which is contrary to the provisions laid down under this Act or rules and bye-laws made thereof to the Government;

(xi) take such steps as deemed necessary for effective discharge of the functions of the Board.

Conduct of Business of the Board

84. (1) The Board shall meet for the transaction of its at least once in every three months at such a place and at such times as the Chairman may Determine.

(2) Save as otherwise provided in sub-section (1) the provisions of Chapter IV shall mutatis apply for the conduct of the business of the Board.

(3) All proceedings of 'the Board shall be authenticated by the Signature of the Chairman, Member- Secretary/Managing Director and all other orders and other instruments issued by the Board shall be authenticated by the signature of the Chairman, Member-Secretary/Managing Director or such other officer of the Board as may be authorized in this behalf by regulation.

(4) The Board shall conduct the business in a manner prescribed under the rule.

Power and function of the Director of Marketing

85 (1) Subject to the provisions of this Act, the Director of Marketing/ Managing Director may perform such functions other than those prescribed for the Board under this Act which would enable proper execution of the provisions of this Act. The State Govt. may delegate any or all the powers vested in it under this Act, Rules to Director, Managing Director.

(2) In particular and without prejudice to the generality of the provisions of the Section 89, the functions of the Director of Marketing may include-

(i) Supervision on the Market Committees for effective execution of provisions of the Act relating to transaction of agricultural commodities taking place on the market yard;

(ii) Launch prosecution for contravening provision to the Act and rules made thereof;

(iii) Suggest amendments to the Act, and rules framed thereof for effective execution of the objectives of the Act;

(iv) Approve bye-laws framed by the Market Committee under this Act and rules formulate thereof;

(v) Conduct audit of accounts of the Market Committee;

(vi) Grading and standardization of agricultural produce;

(vii) Approval of the budget of the Market Committee;

(viii) Accord sanction to the creation of posts of officers and staff of the Market Committee;

(ix) Appointment and transfer of the members of the State Agricultural Marketing Services and act as the cadre controlling authority for the personnel of the State Agricultural Marketing Services;

(x) Take steps for timely and proper conduct of the elections of the Market; Committee, and the Chairman and Vice-chairman of Market Committees;

(xi) Acceptance of resignation of the Chairman of the Market Committee;

(xii) Prefer an appeal from any person aggrieved by an order of the Market Committee;

(xiii) Approval of the resolution passed by Market Committee;

(xiv) Removal of Chairman/Vice-chairman or member/ members of the Market Committee;

(xv) Inspect or cause to be inspected accounts and offices of the Market Committee.

Power of Chairman of Board

86. The Chairman of the Board shall exercise such powers as may be prescribed.

CHAPTER-XI
Penalty

Penalty for contravention of Act, Rules and By-Laws

87. Any person who contravenes any provision of this Act, or of any rule or bye-laws or order issued there under shall be punishable with simple imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both:

Provided that in the case of a continuing contravention of the provisions of Section 41, he shall be liable to be punished with a further fine which may extend to one hundred rupees for every day during which the contravention is continued after the first conviction.

Recovery of Dues

88. Whenever any person is convicted of any offence punishable under this Act, the Magistrate shall in addition to any fine which may be imposed, recover summarily and pay over to the Market Committee the amount of fees or any other amount due from him under this Act or Rules or Bye-Laws made there under and may, in his discretion, also recover and pay over to the Market Committee costs of the prosecution.

Cognizance of offences

89 (1) No court shall take cognizance of any offence punishable under this Act or any rule or any bye laws made there under except on the complaint made by the Collector or the Chairman, Vice-Chairman, Chief Executive Officer of the Market Committee or of any person duly authorized by the Market Committee in this behalf.

CHAPTER-XII
Control

Inspection of Markets and enquiry into the affairs of the Market committee

90. (1) The Director/Managing Director may:-
(a) Inspect or cause to be inspected the account and offices of Market Committee;
(b) Hold enquiry into the affairs of a Market Committee;
(c) Call from a Market Committee return, statement , accounts or reports which he may think fit to require such committee to furnish;
(d) Require a. Market Committee to take into consideration-
(i) any objection on the ground of illegality, inexpediency or impropriety which appears to him to exist to the doing of anything which about to be done or is being done by or on behalf of such committee; or
(ii) Any information he is able to furnish and which appears, to him to necessitate the doing of a certain thing by such committee;
(e) Direct that anything which is about to be done or is being done should not be done, pending consideration of the reply, and anything which should be done but is not being done should be done within such time as he may direct.
(2) When the affairs of a Market Committee are investigated under this section or the proceedings of any Market Committee are examined by the Director under section 97, the Chairman, Vice-Chairman, Secretary and all other officers and servants and members of such committee shall furnish such information in their possession in regard to the affairs or proceedings of the Market Committee as the Director, or the officers authorized as the case may be, may require-
(3) An officer investigating the affairs of a Market Committee under sub-section (1) or the State Government examining the proceeding of any Market Committee under section 98 shall have the power to summon and enforce the attendance of officers or members of the Market Committee and to compel them to give evidence and to produce documents by the same means and as far as possible in the same manner as is provided in the case of a Civil Court by the **Code of Civil Procedure, 1908.** Where the Director /Managing Director has reason to believe that the books and records of a Market Committee are likely to be tampered with or destroyed or the funds or property of a Market.
Committee are likely to be misappropriated or misapplied, the Director/Managing Director may issue order directing a person· duly authorized by him in writing to seize and take posse on of such books and records, funds and property ~the Market Committee and the officer or officers of the Market Committee responsible for the custody of such books, records, funds and property shall give delivery thereof to the person so authorized.

Power to remove a member of the Market Committee

91. (1) The Director may remove a member, Chairman or Vice-chairman of the Committee where it is of the opinion that he:-
(a) Has been guilty for misconduct or gross negligence of duty as members, Chairman, or Vice-Chairman;
(b) Ceases to hold the qualifications necessary for his being a member, Chairman or Vice- Chairman. No order of removal under sub-section (1) of Section 91 shall be passed unless the person concerned has been given reasonable opportunity of submitting an explanation in respect of the allegations against him. The Director/ Managing Director may suspend any member or Chairman or Vice-Chairman of a Market Committee, who has been served with the notice under sub-section (1) or sub-section (2) as the case may be, and against whom any complaints have been received or who commits irregularities after the service of such notice, for period from the date of receipt of complaint or the date of noticing of irregularities by Director/Managing Director till the final decision is taken in his case.

Supersession of Market Committee

92. Where the Director/Managing Director is of the opinion that a Market Committee has failed in the performance of its functions or discharge of its duties or has exceeded or abused the powers conferred on it by or under this Act, it may, by notification in the Official Gazette, supersede the Market Committee:

Provided that no order of Supersession shall be passed unless the Director/ Managing Director has afforded reasonable opportunity to the Market Committee of submitting a written explanation in respect of the allegations against it.

Consequence of Supersession of Market committee

93. Upon publication of the notification superseding a Market Committee under section 92, the following consequences shall ensue -

(i) all the members including the Chairman, Vice- committee chairman of the Market Committee shall, as from the date of publication of the notification is deemed to have vacated their offices;

(ii) The State Government/Director / Managing Director shall direct that steps be taking for constitution of a new Market Committee under Section 14 and till such time a new Market Committee under Section 14 is constituted as aforesaid, the Director /Managing Director shall make such arrangements for carrying out the functions of the Market Committee as it may deem fit for the period not exceeding six months and may, for that purpose, direct that all the functions, powers and duties of the Market Committee and its Chairman, under this Act, shall be performed, exercised and discharged by such person or authority as the Director/Managing Director may appoint in this behalf and such person or authority shall be deemed to be the Market Committee or Chairman, as the case may be.

Suspension of Board

94. Where the State Government is of the opinion that Board has failed in the performance of its functions or discharge of its duties or has exceeded or abused the powers conferred on it by or under this Act, it may, by notification in the Gazette, supersede the State Agricultural Marketing Board. Provided that no order of supersession shall be passed unless the Government has afforded reasonable opportunity to the Board of submitting a written explanation in respect of the allegations against it.

Consequence of suspension of the Board

95. Upon publication of the notification superseding a Board under Section 94, the following consequences shall ensue :-

(i) all the members including Chairman, Vice-chairman of the Board shall, as from the date of publication of the notification, be deemed to have vacated their offices;

(ii) The State Government shall direct that steps be taken for constitution of a new Board under this Act and till such time a new Board under Section 62 is constituted as aforesaid, the State Government shall make such arrangements for carrying out the functions of the Board as it may deem fit. For the period not exceeding six months and May, for that purpose, direct that all the functions, powers and duties of the Board and its Chairman, under this Act, shall be performed, exercised and discharged by such person or authority as the State Government may appoint in this behalf and such person or authority shall be deemed to be the Board or Chairman, as the case may be.

Power of Director/ Managing Director to direct Market Committee for amending By-Laws

96. (1) If it appears to the Director/Managing Director that it is necessary or expedient in the interest of a market or Market Committee to make any bye-law or to amend any bye-law, he may, by order, require to the Market Committee concerned to make the bye laws or the amendment of the bye-laws within such time as he may specify in such order.

(2) If the Market Committee fails to make such bye laws or such amendment of the bye-laws within the time specified, the Director /Managing Director may, after giving the Market Committee a reasonable opportunity of being heard by an order make such Bye-Laws or such amendment of the Bye-Laws and thereupon

subject to any order under sub-section 3, such Bye-Laws or such amendment of the Bye-Laws shall be deemed to have been made or amended by the Market Committee in accordance with the provision of this Act or the rules made there under and thereupon such Bye-Laws or amendment shall be binding on the Market Committee .

(3) An appeal shall lye to the State Government from any order of the Director/ Managing Director under sub-section (2) within thirty days from the date of such order and decision of the State Government or such appeal shall be final.

Power of the Director to prohibit execution or further execution of resolution passed or order made by the Market Committee

97. (1) The Director/Managing Director may, of its own motion, or on report or complaints received by order prohibit the execution or further execution of a resolution passed or order made by the Committee or its Chairman or any of its officers servants, if it is of the opinion that such resolution or order is prejudicial to the public interest, or is likely to hinder efficient running of the business in any Market area, principal market yards or sub-market yard or is against the provisions of this Act or the rules or bye-laws there under.

(2) Where the execution or further execution of a resolution or order is prohibited by an order made under sub-section (1) and continuing in force, it shall be the duty of the committee, if so required by the Director/the Managing Director, take such action which the committee would have been entitled to take if the resolution or order had never been made or passed and which is necessary for preventing the Chairman or any of its, officers or servants from doing or continuing to do anything under the resolution or order.

Power to call for proceedings of Market Committee and Managing Director/Director

98. (1) The Director, Managing Director may, on his own motion, or on an application made to him, call for and examine the proceeding of any Market Committee and the State Government may of its own motion or on an application made to it, call for examine the proceedings of the Managing Director, for the purpose of Director satisfying himself or itself. As the case may be, as to the legality or propriety of any decision taken or order passed and as to the regularity of he proceedings of the committee or the Director/Managing Director, as the case may be. If in any case, it appears to the Director. Managing Director or the State Government that any such decision or order or proceeding so called for should be modified, annulled, reversed, or remitted for reconsideration he or it may pass such order thereon as he or it may deem fit:

Provided that every application to the State Government for the exercise of the powers under this section shall be preferred within sixty days from the date on which the decision or order to which the application relates was communicated to the applicant:

Provided further that no such order shall be passed under sub-section (1) without giving a reasonable opportunity of being heard to the parties affected thereby.

(2) The State Government may suspend the execution of the decision taken or order passed by the Market Committee/ Director/ Managing Director, pending the exercise of its powers under sub-section (1).

Liability of Chairman, Vice-Chairman, Member and Employees for loss waste or misappropriation etc

99. (1) If in the course of enquiry or inspection under Section 90 or in the course of audit under this Act, it is found that any person who is or was entrusted with the management of Market Committee or deceased, past or present Chairman, Vice-Chairman, member, officer-in-charge of Market Committee, loss, waste or Chief Executive Officer or any other officer or misappropriation employee of Market Committee or an officer of etc. the State Government has made or directed by assenting or concurring or participating in any affirmative vote or proceeding related thereto, any payment or application of any money or other property belonging to, or under the control of such committee to any purpose contrary to the provisions of this Act or Rules or Bye-Laws made there under or has caused any deficiency or loss by gross negligence or misconduct or

has misappropriated or fraudulently retained any money or other property belonging to the Market Committee , the Director/Managing Director may, on his own motion or on the application of the Market Committee , enquire himself or direct any officer subordinate to him duly authorized by him by an order in writing in this behalf to enquire into the conduct of such person within two years of the date of report of audit, enquiry or inspection as the case may be.

(2) If on enquiry made under sub-section (1) of Section 99, the Director is satisfied that there are good grounds for an order under this sub-section. he may make an order requiring such person, or in the case of a deceased person, his legal representative who inherits his estate, to repay or restore the money or property and any part thereof, with interest at such rate, or to pay contribution and costs or compensation to such extent as the Director/ Managing Director may consider just and equitable:

Provided that no order under this sub-section shall be made unless the person concerned has been given a reasonable opportunity of being heard in the matter:

Provided further that the liability of a legal representative of the deceased shall be to the extent of the property of the deceased which is inherited by such legal representative.

(3) Any person aggrieved by an order made under sub- section (2) of Section 99 may, within thirty days from the Date of communication of the order to him, appeal to the State Government and the Order of the State Government shall be final and conclusive:

Provided that In computing the period of limitation the time required for obtaining a copy of the order appealed against shall be excluded.

(4) No order passed: under sub-section (2) or sub - section (3) shall be called in question in any Court of Law.

(5) Any order made under sub - section (2) and (3) of Section 99 shall, on the application of the Director, be enforced by any Civil Court having local jurisdiction in the same manner as if it were a decree of such Court. Or any sum directed to be paid by such Order may be recovered as arrears of land revenue.

(6) If the Director is satisfied on affidavit, enquiry or otherwise that any person with intention to delay or obstruct the enforcement or any order that may be passed against him under this section; is about to dispose of the whole or any part of his property, or is about to remove the whole or any part of his property from the State; he may, unless adequate security is furnished, direct, the conditional attachments of the said property or such part there of as he thinks necessary and such attachment shall have the same effect as it may by a competent Civil Court.

Power of State Government to Amend Schedule

100. The State Government may, by notification, add to or amend or delete any of the items or agricultural produce specified in the schedule and thereupon the schedule shall be deemed to have been amended accordingly:

Provided that no notification shall be issued under this section without giving in the official Gazette previous notice of not less than 45 days as the State Government may consider reasonable of its intention to issue such notification.

Power of State Government to give direction

101. (1) The State Government may give directions to the Board and Market Committees.

(2) The Board and the Market Committees shall be bound to comply with directions issued by the State Government under sub-section (1).

Recovery of sums due to Board/Market Committee

102. Any sum due to a Market Committee or the board on account of any charge, costs, expenses, fees rent, and any other account under the provision of this Act or any rule or By-Laws made there under shall be recoverable in the same manner as arrears of land revenue.

Chairman, Vice-Chairman, Member , Officers and servants etc. of Market Committee of Board to be public servant

103. The Chairman, the Vice-Chairman, Member, Secretary, other officers and servants of a Market Committee and the Chairman, Vice-Chairman, the members, the officers and servant etc. of market other servants of the Board shall be deemed to be public servants within the meaning of Section 21 of the **Indian Penal Code,1860** (No. 45 of 1860).

Delegation of Power

104.(1) The State Government may delegate to the Board or any officer of the State Government not below the rank of Director any of the powers conferred on it by or under the, Act other than the powers to make rules under Section 109.

(2) The Director may delegate any of his powers to an officer of the State Government not below the rank of officer of Class II Cadre.

Bar to Civil Suit and protection to person acting in good faith

105. No suit, prosecution or legal proceedings in respect of Bar to civil suit anything done in good faith or intended to be done under this and protection to Act or Rule or Bye - Laws made there under shall lye against the person acting in Director/Managing Director or officer of the State good faith Government or against the board or any Market Committee or against any officer or servant of the Board or any Market Committee or against any person acting under and in accordance with the directions of the Director/ Managing Director, such officer, or such Committee.

Power to suit in absence of notice

106. Notwithstanding anything contained in any section of any Bar to suit in Act, no suit shall be instituted against the board or any absence of Market Committee, until the expiration of two months next notice after notice in writing stating the cause of action, name and place of abode of the intending plaintiff, and the relief which he claims has been delivered or left at its office. Every such suit shall be dismissed unless it is instituted within six months from the date of the accrual of alleged cause or action.

Duty of Local Authority to give information and assistance

107. It shall be the duty of every Local authority to give all the Duty to Local necessary information ' in the possession of or under the authority to control of its officers to the Market Committee or its officers give authorized in that behalf, relating to the movement of notified information and agricultural produce into and out of the area of the Local assistance authority, free of any charges. It shall also be the duty of every Local authority and its officers and staff concerned with the collection of control to give all the possible assistance to any officer of the Market Committee in exercising his powers and discharging his duties under this Act.

Act not to be invalidate by informality, vacancy etc

108. No Act done or proceeding taken under this Act by the board, Act not to be by a Market Committee or a sub-committee appointed by the invalidated by Board shall be invalidated merely on the ground of informality-

(a) Any vacancy or defect in the constitution of Board or vacancy etc.sub-committee; or

(b) Any defect or irregularity in the appointment of a person acting as a member thereof; or

(c) Any defect or irregularity in such Act or proceeding, not affecting the substance.

CHAPTER-XIII
Rules and Bye-Laws

Power to make rules

109. (1) The State Government may, (after previous publication), make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for-

(i) other manners of publication of notification under sub-section (1) of Section 3;

(ii) fixation of quantity of sale under sub- section (39) of Section 2;

(iii)(a) qualifications which the representatives of agriculturists shall possess under Section 14(1) (i);

(b) qualifications which the representatives of traders shall possess under Section 14 (1)(ii);

(c) authority which shall conduct elections determination of constituencies; preparation and maintenance of list of voters, disqualifications for being chosen as or for being a member, the right to vote, the payment of deposit and its forfeiture, the election offences, the determination of election disputes and all matters ancillary thereto under Section 14 (3);

(iv) the powers to be exercised and the duties to be performed by the Market Committee and its Chairman and Vice-Chairman;

(v) (a) the procedure and quorum at meeting of Market Committee and
(b)The form in which account of purchases and processing of agricultural produce to be maintained;

(vi) the management of market, the procedure for recovery of market fees, fine for evasion of market fees and manner for assessment of market fees in default of furnishing return;

(vii) classification of market functionaries for grant of licenses, regulation of licenses under this Act, the persons required to take out license, the forms in which and terms and conditions subject to which such licenses shall be issued or renewed;

(viii)the provisions for the persons by which and the forms in which copies of documents and entries in the books of the Market Committee may be certified and the charge to be levied for the supply of such copies;

(ix) the kind and description of weights and measures and the weighing and measuring instruments which shall be used in the transactions in the notified agricultural produce in a market yard;

(x) the periodical inspection of all weights and measures and the weighing and measuring instruments in use in a market yard;

(xi) the trade allowance which may be made or received by any person in any transaction in the notified agricultural produce in a market yard;

(xii) facilities for the settlement of any dispute between a buyer and seller of notified agricultural produce or their agents including disputes regarding the quality or weight of the articles, payment in respect of the price of goods sold and the allowances for wrapping, containers, dirt or impurities or deductions for any cause by mediation, arbitration or otherwise;

(xiii)the provision of accommodation for storing any agricultural produce brought into the market;

(xiv) the preparation of plans and estimates for works proposed to be constructed partly or wholly at the expense of the Market Committee , and the grant of sanction to such plans and estimates;

(xiv) the form in which the accounts of a Market Committee shall be kept, the audit and publication of such audit and the inspection of audit memoranda of the account and supply of such memoranda;

(xvi) the preparation and submission for sanction of the annual budget and the report and returns to be furnished by a Market Committee ;

(xvii) the time during which and the manner in which a trader or commission agent shall furnish such returns to a Market Committee as may be required by it;

(xviii) the regulation of advance, if any given to agriculturists by commission agents or traders;

(xix) the grading and standardization of the agricultural produce and e-trading;

(xx) the keeping of records of arrivals and prices of agricultural produce;

(xxi) the manner in which auctions of agricultural produce shall be conducted and bids made and accepted in a market;

(xxii) the recovery and disposal of fees livable by or under this Act;

(xxiii) compounding of offences and fixing compensation thereof under this Act or rules or bye-laws made there under;

(xxiv) manner of constitution of State Agricultural Marketing services;

(xxv) recruitment, qualification, appointment, promotion scale of pay, leave, leave allowance, acting allowance, loans, pension, gratuity, annuity, compassionate fund, dismissal, removal, conduct, departmental punishment, appeals and other service conditions of the members of the State Agricultural Marketing Service;

(xxvi) limit of expenditure which may be incurred in reception of distinguished guests:

(xxvii) limits of honorarium to Chairman, traveling allowances to members and sitting fees payable to members for attending the meetings;

(xxviii) manner of investment of surplus in the Market Committee fund:

(xxix) procedure for framing of bye-laws, their amendments or cancellation and for their previous and final publication;

(xxx) classification of Market Committees on the basis of annual income for all or any of the purposes of this Act;

(xxxi) term of the office of the Chairman, Vice-chairman and members of the Board;

(xxxii) the powers to be exercised by the Chairman and Vice-chairman and the Chief Executive of the Board;

(xxxiii) all matters required to be prescribed by rules under this Act;

(xxxiv) mode of service of notice under this Act;

(xxxv) generally for the guidance of Market Committee.

(3) In making any rule, the State Government may direct that breach thereof shall be punishable with fine which may extend to two hundred rupees.

(4) every rule made under this Act shalllaid on the table of the Legislative Assembly.

Power to make Bye-laws.

110. (1) Subject to the provisions of this Act and the rules made there under, a Market Committee may, in the respect of a marketing area under its management, make Bye-laws for-

(i) the regulation of business of the Market Committee;

(ii) the condition of trading in a market ;

(iii) delegation of powers, duties and functions to the officers and servants; appointment; pay, punishment, pensions, gratuities, leave, leave allowances; contributions by them to any provident fund which may be established for the benefit of such officers and servants and other conditions of service ;

(iv) the delegation of powers, duties and functions to a Sub-committee, if any;

(v) market functionaries who shall be required to take license;

(vi) enabling and regulating e-trading;

(vii) any other matters for which Bye-laws are to be made under this Act or it may be necessary to frame Bye-laws for effectively implementing the provisions of this Act and the rules made there under in the market area.

(3) In making any bye-laws the Market Committee may direct that a breach thereof shall be punishable with fine which may extend to one hundred rupees and where the breach is a continuing one with further fine which may extend to ten rupees for everyday after first during which the breach is provided to have been persisted in.

CHAPTER XIV
Repeal and Savings

Repeal and saving

111. (1) The Sikkim Agricultural Produce Marketing (Regulation) Act, 1993 is hereby repealed.

(2) Notwithstanding such repeal-

(i) The repeal shall not affect the previous operation of any enactment so repealed, and anything done or action taken (including any appointment,delegation or declaration made, notification, under rule, direction or notice issued, Bye-laws framed, market area, markets, sub-markets and yards declared, established or notified, licenses granted, fees levied and collected, instruments executed, any fund established or constituted) by or under the provisions of any such enactment shall in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act and shall continue in force unless and until superseded by anything done or any action taken under this Act;

(ii) unless the State Government otherwise directs, the Market Committees referred to in clause (I) and the Chairman, Vice-chairman and members, thereof shall continue until the expiry of their term under the repealed Act or till a Market Committee is constituted in accordance with the provisions of this Act, whichever is earlier.

(3) On issue of a direction under clause (ii) of sub-section (2), the provisions of Section shall apply as from the date specifled in the direction as if the Market Committee stood dissolved on that date.

Power to remove difficulty

112. State Government shall have powers to make suitable order as may be necessary to remove any difficulty arising in implementation of this Act.

THE SCHEDULE

Sl. No.	English Name	Vernacular Name	Botanical Name
1	2	3	4
		I. Cereals	
1.	Barley	Jau	Bordeum Vulgara
2.	Maize	Makai	Zea mays
3.	Milets (all Varieties)	Kodo	Sorghum Vulgara Pennisetum Typhoides Eleusine Caracana Paspalum Scrobiculatum Panicum Miliacum Panicum Miliare Setaria-italia tchniochloa Colona
4.	Oat	Jai	avena Sativa
5.	Paddy Chusked	Dhan/Chamal	Oryza Sativa
6.	Wheat	Gahun	Triticum Aestivum T. Dicoccum T. Sphaerococcum
		II. Pulses	
1.	Black Gram	Urad	Phaseolus Mungo
2.	Chick Pea	Chana	Cicer arietinum
3.	Cow Pea	Lobia	Vigna Sinesis
4.	Green Gram	Mung	Phaseolus aureus
5.	Lentil	Masur	Lens esculenta
6.	Mat bean	moth	Phaseolus Aconitifolius
7.	Peas	Mattar	Pisum Stivum
8.	Pigion pea	Arhar	Cajanus cajan
9.	Soyabean	bhatmas	Clycine max
		III. Oil Seeds and Edible Oils	
1.	Castor	Arandi	Ricinus Communis
2.	Coconut	Nariyal	Cacos nucifera
3.	Ground-nut	Badam	Arachis hypogaea
4.	Linseed	Alsi	Linum usitatissimum
5.	Niger seed	Ramtil	Guizotin Abyssinica
6.	Mowra	Mahua	Madhua indica M. longifolia
7.	Mustard (Yellow)	Sarsoan	Brassica Camkpestris Var. Sarsoan.
8.	Mustard (Black)	Kalo Sarsoan	B. Campestris
9.	Palm Oil	-	Elaeis guineensis
10.	Indian mustrad	Rayo	Brassica Juncea
11.	Indian rape	Tori	B. Campestris Var.
12.	Rape seed	-	B. Napus
13.	Sunflower	Surya Mukhi	Helianthus annus
14.	Sesame	Til	Sesamum Indicum
		IV. VEGETALBLES	
1.	Amaranths	Chauli	Amaranthus Caudatus a. Spinosus a. tricolorr
2.	Amorphophallus	zamikand	Amorphophaius Campanulatus
3.	Asparagus	Satavar	Aspargus Officianali
4.	Beans		
	Lablab	Simi/Borhi	Dolichos Lablab
	Franch bean	-	Phaseolus vulgaris
	Chuster bean	-	Cyamopsis tetragono loba
	Lima bean	-	Phaseolus lumatus
	Broad bean	-	Vicia faba

5.	Beat	Chukander	Beta Vulgris
6	Cabbages		
	Cabbage	Bandhakopi	Brassica oleracoa var. capitata
	Cauliflower (Khol Khol)	Phulkopi	B. oleraccea var. caulorapa
	Brussels Sprouts	Buttan Kopi	B.oleracesa Var. gemmifera
7	Cucurbits		
	Pumpkin	Pharshi	Cucurbita mosohata
	Bottle gourd	Lauka	Lagenaria vulgaris
	Sponge gourd	Jhigani	Luffa Cyclindrica
	Ridge gourd	Bhaisisingey	L. acutangula
	Bitter gourd	Karela	Memordica Charantia
	Snake gourd	Chichinda	Trichosenthes anguica
	Pointed gourd	Parvel	T. dioica
	Round ground fishulosus	Tinda	Citrullus vulgaria var.
	Tomato	Rambeda	Licopersicon esculentus
	Cucumber	Kankra	Cucumis satives
	Isques	Cucurbita Maxima	
	Summer Squash	C. Pepo	
8	Egg Plant	Baigun	Solanum melongena
9	Jackfruit	Katahar	Arocarpus heterophyllus
10	Lettuce	Salad	Lactuca sava
11	Okra (Lady's finger)	Bhindi	Abelmoschus esculantus
12	Potato	Alu	Solanum tuberosum
13	Purslane	Kulfa	Portuleca oleracea
14	Radish	Moola	Raphanus Stivus
15	Spinach	Palak	Spinacia oleracea
16	Sweet Potato	Shakarkanda	Ipomaea battatus
17	Carrot	Gajar	
18	Onion	Piaz	

V. Fruits

1	Apple	Aiphal	Pyrus malus
2	Apricot	Khupani	Prunus armeniaca
3	Avocado	-	Persea americana
4	Banana	Kera	Musa Paradisiaca
5	Cashes	Kaju	Anancardium occidentale
6	Cherry	Cherry	Prunus avium
7	Custard apple	Sharifa (Sitafal)	Anona Sgumapos
8	Amblic myrobalan	Amla	Phyllanthis emblico
9	Date palm	Khajur	Phoenix dactylifera
10	Fig	Anjeer	Ficus Carica
11	Grape Fruit	-	Citrus Paradisi
12	Grape Vine	Angoor	Vitis Vinifera
13	Guava	Ambak	Psidium guajava
14	Gujube	Bair	Zizyphus jujuba
15	Java Plum	Jamun	Begeina Jambolana
16	Lemon	Nimbu	Citrus Limon
17	Litchi	Litchi	Litchi Chinensis
18	Mango	Aap	Mangifera Indica
19	Muskmelon	Kharbooja	Cucumis Molo
20	Orange	Suntola	Citrus Zeticulata
21	Papaya	Mewa	Carica papava

22	Peach	Naspati	Prunus Persica
23	Pine apple	Anannas	Ananas comosus

(VII). Forest Products

1	Bamboo	Bansh
2	Bamboo Shoot	Bansh ko tusha
3.	Timber	Kaath
4.	Grass Broom	Jharu
5.	Dhoop	Dhoop
6.	Mushroom	Chaew
7.	Lieopodium Power	Nagbelly
8.	Chiraitto	Chiraitto
9.	Maxetto	Mazetto
10.	Nakima	Nakima
11.	Nigroo	Nigroo
12.	Sisnoo	Sisnoo
13.	Pakhan bett	Pakhanbett
14.	Bikhma	Bikhma
15.	Bantarool	Bantarool

By Order of the Governor.

R.K. PURKAYASTHA, SSJS
Legal Remembrancer-cum-Secretary Law.

[File No. 16(82)LD/97-2004]